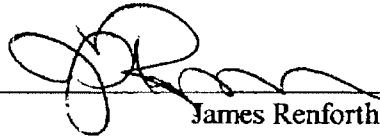
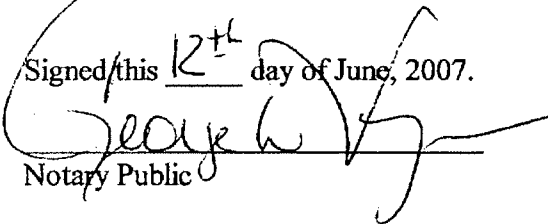


20. At no time did I remove any of the Meeting Documents or UC Drafts from the locations described in Paragraph 18.

FURTHER AFFIANT SAYETH NOT.



  
James Renforth

Signed this 12<sup>th</sup> day of June, 2007.  
  
Notary Public

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<p style="text-align: right;">Page 14</p> <p>1 Q. And when did you join Intermedia?</p> <p>2 A. That was January 1998.</p> <p>3 Q. And how did you join Intermedia?</p> <p>4 A. I joined Intermedia as a consultant,</p> <p>5 contractor.</p> <p>6 Q. And for how long were you a consultant?</p> <p>7 A. About nine months. There were three</p> <p>8 successive 90-day contracts.</p> <p>9 Q. And what did you do, Mr. Renforth, as a</p> <p>10 consultant during that nine-month period?</p> <p>11 A. The initial charter for me was to analyze the</p> <p>12 local resale business unit, to identify sales</p> <p>13 improvements, process improvements, and to turn the</p> <p>14 gross margins around.</p> <p>15 Q. Now, when you say charter, what do you mean by</p> <p>16 charter?</p> <p>17 A. My responsibility.</p> <p>18 Q. Now, let me back up. You said you had three</p> <p>19 successive 90-day contracts. So were those renewed</p> <p>20 after --</p> <p>21 A. Yes. The initial contract was 90 days. It</p> <p>22 was then renewed again for another 90 days, and then a</p> <p>23 third 90 days.</p> <p>24 Q. And tell me a little bit about the local</p> <p>25 resale business that you were chartered with</p>	<p style="text-align: right;">Page 16</p> <p>1 area that customer resided in, and just flipping a bill</p> <p>2 from the end-user customer to Intermedia, then</p> <p>3 Intermedia would bill the end-user customer.</p> <p>4 And there was an inherent ten percent margin</p> <p>5 built into that for Intermedia. But what we found when</p> <p>6 we looked first into the billing system was that there</p> <p>7 were over 10,000 items in the billing system that had</p> <p>8 been zero rated, in other words, Intermedia was charging</p> <p>9 zero to the customer because they didn't know what it</p> <p>10 was.</p> <p>11 So our team restructured the local resale</p> <p>12 business unit with regard to products being resold and</p> <p>13 identified just like a half a dozen features that should</p> <p>14 be part of the local resale business, rather than just</p> <p>15 everything.</p> <p>16 So we streamlined the business unit with</p> <p>17 regard to what they were selling, we identified what</p> <p>18 those items were in the local incumbent's tariffs, and</p> <p>19 then charged accordingly to the end-user customer.</p> <p>20 Q. And how successful were you in restructuring</p> <p>21 the business? I know you mentioned that you had -- that</p> <p>22 Intermedia had negative 34 percent margin?</p> <p>23 A. Yes.</p> <p>24 Q. When you were done, what --</p> <p>25 A. When we were done, the margins had improved to</p>
<p style="text-align: right;">Page 15</p> <p>1 responsibilities.</p> <p>2 A. Okay. The local resale business, when they --</p> <p>3 when Intermedia brought me in, had -- initially, the</p> <p>4 objective of the local resale business was for</p> <p>5 Intermedia to obtain a market presence in the local</p> <p>6 telephone business.</p> <p>7 And subsequently to that, over a period of</p> <p>8 time, their gross margins had dropped to like a negative</p> <p>9 34 percent. And the C.E.O., Dave Ruberg, wanted to know</p> <p>10 what do we need to do to fix this.</p> <p>11 So my analysis, my team's analysis uncovered</p> <p>12 several discrepancies in that -- in that business unit</p> <p>13 whereby we could recover lost monthly recurring</p> <p>14 revenues.</p> <p>15 Q. And how did you identify those discrepancies?</p> <p>16 What were those problems that you corrected?</p> <p>17 A. Okay, good question.</p> <p>18 One of the initial things we did was to look</p> <p>19 at what was being resold. And the company, Intermedia,</p> <p>20 at that time was doing what's known in the industry as</p> <p>21 bill flips.</p> <p>22 In other words, they were taking over the</p> <p>23 responsibility of billing the end-user customers simply</p> <p>24 by contacting the local incumbent, who was at the time</p> <p>25 Verizon, or Bell South, or Southwestern Bell, whatever</p>	<p style="text-align: right;">Page 17</p> <p>1 a positive 35 percent, and we recovered over 5 million</p> <p>2 dollars in monthly recurring revenues to the company.</p> <p>3 Q. So needless to say, you did a good job.</p> <p>4 A. Well, we did a good job.</p> <p>5 Q. So what happened after your nine-month</p> <p>6 consultant period was over?</p> <p>7 A. Intermedia brought me on full time.</p> <p>8 Q. And why were you brought on full time? What</p> <p>9 did you do as a full-time employee?</p> <p>10 A. Oh, as a full-time employee?</p> <p>11 Q. Um-hum (affirmative).</p> <p>12 A. I came in as a product manager. Senior --</p> <p>13 senior product manager.</p> <p>14 Q. And can you tell me what you did as a senior</p> <p>15 product manager?</p> <p>16 A. Sure. As a senior product manager, I was then</p> <p>17 responsible for what I had created. I was responsible</p> <p>18 for life cycle support of the local resale business,</p> <p>19 initially.</p> <p>20 Q. And can you tell us what you mean by life</p> <p>21 cycle support for the resale business?</p> <p>22 A. Just to make sure that sales was selling what</p> <p>23 they should be selling, to provide any updated training</p> <p>24 that was required in the field for salespeople, and to</p> <p>25 monitor results.</p>

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EXHIBIT

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Exhibit A

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<p>1 Q. Now, you had mentioned that you had assembled 2 a team regarding local resale. Can you tell us a little 3 bit about that team?</p> <p>4 A. Sure. That team was comprised of several unit 5 representatives within the company. We had 6 representatives from the billing department, a 7 representative from sales. We had a representative from 8 the product marketing department, product management, 9 the service department, and customer operations.</p> <p>10 Q. And you were in which department, Mr. 11 Renforth?</p> <p>12 A. Well, I was assigned under product management.</p> <p>13 Q. And tell me what this team did with respect to 14 local resale.</p> <p>15 A. They did the actual legwork with regard to 16 downloading reports from the billing system, identifying 17 the products that were being resold, and then the next 18 step would be -- was to identify the products that we 19 should be reselling.</p> <p>20 Q. And did these teams -- or did the team members 21 meet?</p> <p>22 A. Oh, yes.</p> <p>23 Q. And for local resale, about how many times did 24 they meet, if you recall?</p> <p>25 A. At least once a week.</p>	<p>1 A. Life cycle support for the local resale 2 business initially.</p> <p>3 Q. And for about how long was that?</p> <p>4 A. That was about four months.</p> <p>5 Q. Um-hum (affirmative). And then what happened 6 next?</p> <p>7 A. Then right before Thanksgiving that same year 8 --</p> <p>9 Q. And that year would be?</p> <p>10 A. That was '98.</p> <p>11 My immediate supervisor and our director and 12 myself met at a lunch meeting. And my director during 13 that meeting gave me a new responsibility.</p> <p>14 Q. Um-hum (affirmative).</p> <p>15 A. And that was to develop a local line-side 16 service product. And when I say line side, prior to 17 that, the only -- well, not the only, but the two major 18 products and service that Intermedia sold were the local 19 resale and a product called single T. Single T was 20 targeted towards larger P.B.X. business customers, and 21 provided trunk-side services.</p> <p>22 Intermedia had an imbedded -- an imbedded base 23 of Northern Telecom central office switches around the 24 country that also had the capability to provide 25 line-side services, and that being for residential or</p>
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<p>1 Q. And do you know if minutes were kept of these 2 team meetings?</p> <p>3 A. Absolutely.</p> <p>4 Q. And what were done with these minutes, were 5 they distributed to anyone?</p> <p>6 A. Yes, minutes were distributed to each of the 7 members.</p> <p>8 Q. Each of the members of the team?</p> <p>9 A. Each of the team members. Each of their 10 immediate supervisors, those respective directors, and 11 the executive staff.</p> <p>12 Q. And were all team minutes distributed to these 13 people?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall how they were distributed?</p> <p>16 A. Yeah. They were both -- they were distributed 17 both soft copy and hard copy.</p> <p>18 Q. And when you say soft copy, do you mean, for 19 example, e-mail, or --</p> <p>20 A. E-mail, with the document attached. And then 21 hard copies through intercompany mail.</p> <p>22 Q. Okay. So let's jump back to when you were 23 retained by Intermedia or brought on full time. What 24 happened when you were retained full time? What were 25 you charged to do?</p>	<p>1 smaller business customers that used key systems.</p> <p>2 Key systems were targeted at that time for 3 customers that had, oh, typically from one to -- to ten 4 lines for business lines. But that capability was not 5 being used anywhere in the company.</p> <p>6 So at that meeting, our director asked me to 7 develop a new line-side service product for the smaller 8 and midsized business customers.</p> <p>9 Q. And when you say smaller and midsized business 10 customers, about how large would those be?</p> <p>11 A. Typically, from 20 to a hundred employees, and 12 five to ten lines, business lines.</p> <p>13 That was a market segment that Intermedia had 14 never been able to access before.</p> <p>15 Q. And so what happened at this meeting in 16 November '98 to create a product to target these smaller 17 and midsized business customers? What do you do after 18 that meeting?</p> <p>19 A. Put the team back together. Same members as 20 described before.</p> <p>21 Q. And what happened after you put the team 22 together?</p> <p>23 A. Well, that was after the holidays. We came 24 back after Thanksgiving, put that team back together. A 25 lot of the representatives were the same. We had</p>

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<p>1 billing represented, customer service, customer 2 operations, switching, sales, sales support, product 3 marketing. Regulatory was then brought in, because we 4 were creating a new product, and it would have to be 5 tariffed.</p> <p>6 Our director then took that -- took that idea 7 to the executive committee, presented what we had -- 8 what we were planning to do with regard to putting this 9 new product together. They got terrific buy-in, all the 10 way from the C.E.O. through all the -- all the executive 11 staff. There was tremendous dedication given to 12 developing that product and launching that product.</p> <p>13 Our team -- the team that we assembled met 14 nearly every day for about the first month and a half.</p> <p>15 Q. And when you say there was tremendous dedicate 16 -- well, let me back up.</p> <p>17 What did this product -- what was the name of 18 this product that it eventually became?</p> <p>19 A. It became Unified Voice.</p> <p>20 Q. And for Unified Voice, you said that there was 21 tremendous dedication by the team. What kinds of things 22 did the team do specifically to try to get this product 23 launched?</p> <p>24 A. Well, we had to design the product first, what 25 was it going to do, who was it going to be targeted to.</p>	<p>1 cities around the country, where we brought prospective 2 market segment customers in to identify are we making 3 something that you really want.</p> <p>4 Q. And in what cities were the focus groups 5 conducted, if you recall?</p> <p>6 A. They were Boston, Charlotte, Chicago, New 7 York, and Raleigh.</p> <p>8 Q. And can you tell me a little bit more how the 9 focus groups were conducted?</p> <p>10 A. Sure. It was fun. We had -- the company that 11 we hired for out of California -- out of Long Beach was 12 the facilitator.</p> <p>13 Product marketing and product management put 14 together a list of questions and specific scenarios with 15 regard to size, and features, and functionality that we 16 asked the customers are these items important to you, or 17 based upon a range from one to ten, which are most 18 important to you.</p> <p>19 And we invited companies from all over the 20 spectrum. I mean, mom-and-pop pizza places. We had 21 Fortune 500 and Fortune 200 people in those groups. And 22 those groups ranged anywhere from 15 to 20 attendees in 23 each session.</p> <p>24 And we performed these in areas that provided 25 an isolated space for Intermedia people to be behind the</p>
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<p>1 We had to identify what the market was that we were 2 going to sell into. We had to bring human resources 3 training department in to put together training 4 curriculum for the sales force and for customer service 5 and switching service.</p> <p>6 We had to allocate funds, certainly, from -- 7 from the company to do this work. And when I say 8 dedication, I mean people worked around the clock on 9 this, seven days a week at times. And the product was 10 launched in 62 days.</p> <p>11 Q. That seems like it's pretty fast.</p> <p>12 A. Real fast. Typically in the industry for that 13 time, life cycle for the product -- for the launch of a 14 new product was anywhere upwards to three years.</p> <p>15 But the company was small enough that we could 16 move quickly. So 62 days from that meeting in November 17 of '98, the product was launched.</p> <p>18 Q. Now, you talked about steps that the team 19 took, for example, the product had to be designed. What 20 went into the product -- designing the product?</p> <p>21 A. One of the things that we did was to -- 22 product marketing contacted a -- a market analysis 23 company in Long Beach, California.</p> <p>24 And one of the things we did was set up focus 25 groups, customer focus groups. We did that in five</p>	<p>1 one-way mirrors to take notes and watch what was going 2 on and just to learn from that. And it was a -- it was 3 a great experience in actually asking our customers what 4 would you like to have.</p> <p>5 Q. And did you ever help determine or create any 6 questions for the focus groups?</p> <p>7 A. Oh, sure. With regard to features and 8 functionality. Since I was the product manager 9 designing the product, we had to know what kinds of 10 things would you like for us to be able to do, other 11 than just being able to get dial tone and make calls.</p> <p>12 Q. And what kind of things and features and 13 functionality did you see that people were interested 14 in?</p> <p>15 A. For the Unified Voice product, they just 16 wanted -- they wanted basic custom calling features 17 along with being able to get dial tone and make calls, 18 and those being voicemail, call waiting, three-way 19 calling, call forwarding, transfer.</p> <p>20 Q. And were the results of the focus groups 21 documented?</p> <p>22 A. Yes.</p> <p>23 Q. In addition to conducting the focus groups, 24 what else were your responsibilities in terms of 25 designing the product?</p>

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<p>1 A. Well, certainly working with product marketing 2 to identify what is our target market, where do we sell 3 this and who do we sell it to. And also identifying 4 what do we charge for it. 5 Q. And how was it determined what was a target 6 market? 7 A. Product marketing led that effort with regard 8 to where we were going to sell it, who we were going to 9 sell it to. 10 And that department actually assembled the 11 data based on market demographics and research 12 information that they had, and then made the 13 recommendations to product marketing -- or to product 14 management and to -- with input from sales, of course, 15 as to where we would sell it initially. 16 Ultimately, it was going to be ubiquitously 17 available across the United States in all of the large 18 metropolitan areas where Intermedia had a switch. 19 Q. And when you say where Intermedia had a 20 switch, what do you mean? 21 A. Well, if you think about your -- your line 22 here or at home, when you pick it up, you get a dial 23 tone. And that dial tone comes from a central office. 24 Well, when I mean Intermedia had a switch, I 25 mean they had a central office in 54, 55 cities around</p>	<p>1 we were going to sell it to, and how much we were going 2 to charge for it, and what the -- well, what the costs 3 were going to be to Intermedia. 4 Q. And again, this was all documented? 5 A. That was documented. 6 Q. Were there any Excel spreadsheets as well? 7 A. Yes, Excel spreadsheets, Microsoft Projects, 8 Word documents. 9 Q. What was the culture at Intermedia in terms of 10 documenting a launch of a product such as this? 11 A. Not only just the launch of this product, the 12 culture was -- it was document, document, document. 13 Paper trail was extremely high profile at Intermedia. 14 Q. So was it safe to say that basically every 15 step you took in the launch of a new product would have 16 been documented by Intermedia? 17 A. Yes. 18 Q. And would this have been done, this 19 documenting each of the steps, would that have been done 20 for every launch of a new product? 21 A. Oh, absolutely. 22 Q. Sir, you talked about there were four steps in 23 bringing Unified Voice to market, and that was to design 24 the product, to target the market, and then the third 25 one you mentioned was training. Can you talk a little</p>
Page 27	Page 29
<p>1 the country. 2 Q. Now, in terms of designing this Unified Voice 3 product, were each of the steps in designing the product 4 documented? 5 A. Yes. 6 Q. And how were they documented? 7 A. In minutes. And not only minutes, but we also 8 had -- the team had a project coordinator assigned to 9 keep track of everything, all of the meeting minutes, 10 each department's responsibility, who that key person 11 was on the team that represented the particular 12 department, put timelines and milestones together that 13 were to be met during that launch period. 14 And that was documented in Microsoft Projects. 15 Q. And were these documents distributed among the 16 team members? 17 A. Yes. 18 Q. And again, that would have been hard copy and 19 soft copy? 20 A. Hard copy and soft copy. 21 Q. Were there any forecasts or financial analysis 22 created in the launch of Unified Voice? 23 A. Sure, there were. We had a lot of detail that 24 came in from product marketing with regard to forecasts, 25 based upon, again, where we were going to take it, who</p>	<p>1 bit about training? 2 A. Yes. Product management and human resources 3 training department took the lead on developing the 4 product description and providing a final document that 5 would become the training curriculum for sales and 6 customer service. 7 Q. And again, was this all documented? 8 A. Oh, yeah. 9 Q. And I think the fourth step you mentioned was 10 allocating funds from the company? Is that budgeting? 11 What do you mean by that? 12 A. Budgeting. We had -- certainly, there was 13 operating capital that the company operated on and 14 functioned on. And there had to be funds dedicated to 15 pay salaries, pay expenses, pay for material creation, 16 sales collateral, public relations, bulletins, internal 17 and external. 18 Dollars had to be allocated and earmarked for 19 that launch. 20 Q. So this wasn't something that was simply done 21 in isolation. It seems to me it would impact a whole 22 host of areas within the company. 23 A. Yes, impacted the entire company. 24 Q. And how successful was Unified Voice? 25 A. Very.</p>

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<p>1 Q. What were the estimated revenues from Unified 2 Voice for the first year?</p> <p>3 A. First year, the revenues for the company 4 increased from -- I believe it was 65 million to over a 5 hundred and -- over a hundred million.</p> <p>6 Q. So people must have liked this product?</p> <p>7 A. Yes.</p> <p>8 Q. And when you joined Intermedia, do you 9 remember approximately how many employees there were?</p> <p>10 A. I think about 3,000.</p> <p>11 Q. And how would you compare your experience 12 between G.T.E. and Intermedia? How would you compare 13 those two?</p> <p>14 A. G.T.E. was great. I mean, it was a terrific 15 experience, a terrific career. Intermedia was exciting. 16 A little different than G.T.E., because it felt like 17 G.T.E. probably would have been 20 years earlier, 18 because it was smaller, had a lot of excitement, 19 individual activity.</p> <p>20 Not that that didn't exist, but it was just -- 21 it was just a different culture. It wasn't as fast 22 paced. Intermedia was -- it was a little faster paced. 23 Decisions could be made very, very quickly. We could 24 change direction of the company quite rapidly because it 25 was so -- it was so much smaller.</p>	<p>1 BY MS. MURCH:</p> <p>2 Q. How many markets were -- was Unified Voice 3 going to be put in?</p> <p>4 A. All 50-some. 54, 55.</p> <p>5 Q. Now, were there any reports after the -- let 6 me back up. You said that there were 62 -- this product 7 was launched in 62 days. After the launch, were any 8 reports made with respect to the Unified Voice product?</p> <p>9 A. Sure. Business analysis did monthly reports 10 on product performance, net gain for customers, new 11 customers brought on.</p> <p>12 Q. Any kind of monthly revenue reports?</p> <p>13 A. And the revenue reports, certainly.</p> <p>14 Q. Let's talk a little bit in general about the 15 development of new products overall. How is it that, at 16 Intermedia, a new product would be developed? And I 17 mean how did you determine if there was a need or what 18 direction Intermedia was going?</p> <p>19 Did you learn that from sales staff? What --</p> <p>20 A. Actually, two fronts -- well, three, really. 21 Product marketing certainly did the -- the demographics 22 and the -- the market research. And let me -- let me 23 preface that with saying Intermedia was a market-driven 24 company, rather than being product driven. 25 So, in other words, the company didn't just</p>
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<p>1 Q. So how often would the Unified Voice team 2 meet?</p> <p>3 A. For the first month and a half or so, it was 4 nearly every day.</p> <p>5 Q. And were minutes taken?</p> <p>6 A. Yes.</p> <p>7 Q. And about how long would these meetings be 8 every day?</p> <p>9 A. About an hour.</p> <p>10 Q. And --</p> <p>11 A. First thing in the morning.</p> <p>12 Q. Bright and early.</p> <p>13 A. Bright and early.</p> <p>14 Q. And the minutes were then distributed to team 15 members?</p> <p>16 A. Just -- not just team members. They were 17 distributed to the same distribution list that I 18 mentioned before; team members, their immediate 19 supervisors, directors, and executive staff.</p> <p>20 Q. And when you say executive staff, does that 21 include Dave Ruberg?</p> <p>22 A. Yes.</p> <p>23 Q. And what was Dave's title at Intermedia?</p> <p>24 MR. IBA: Asked and answered.</p> <p>25 A. C.E.O.</p>	<p>1 design something and then try to force feed the public 2 with it. We actually designed our products based on the 3 market. So it was a market-driven company.</p> <p>4 So the -- the design of new products actually 5 rested on the shoulders of three or four departments; 6 product marketing, product management, sales, and then 7 certainly switching services, is it something we can do. 8 It had to be available.</p> <p>9 Q. So would it be something that, for example, 10 your sales force would be out there and they would have 11 customers say, "We would like X, Y feature," and then 12 they would come back to you or -- and say this is a 13 trend we are seeing?</p> <p>14 Or is it something you -- you would research 15 and say, "Boy, the market seems to be wanting this?" Or 16 --</p> <p>17 A. Actually, both. Yeah, sales would come in 18 with requests from customers for what was called then a 19 special assembly process where it was a little bit 20 outside what was in the box for them.</p> <p>21 If they wanted a -- a capability or feature 22 that wasn't part of the standard offering, then they 23 would come to product management and request some 24 special pricing, and to determine is it something that 25 we can do.</p>

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<p>1 Voice? What were you -- what were your responsibilities 2 after that? 3 A. Again, life cycle support. And being the 4 product manager, part of the product manager's 5 responsibility is to add services and -- and -- vertical 6 services and enhancements to an existing product set. 7 Which led us to the next iteration of Unified Voice, 8 which was to add high-speed internet access to it. 9 Q. To Unified Voice? 10 A. To Unified Voice. 11 Q. And what was that product called? 12 A. That product was called Unified Voice Dot Net, 13 after the internet component was added to it. 14 Q. And do you remember about what time frame 15 Unified Voice Dot Net was created? 16 A. Oh, gosh, that was -- 17 Q. If you don't remember, that's okay. 18 A. I think it was mid 1999. 19 Q. And why was it that internet access was added? 20 A. Customer demand. Customer desire. 21 Q. And was a team assembled, then, for the 22 creation of Unified Voice Dot Net? 23 A. It was, but it was not nearly as demanding as 24 the initial launch, because not every department really 25 needed to be involved in developing it.</p>	<p>1 nutshell was bringing the Unified Messaging service onto 2 the Unified Voice Dot Net platform. 3 Q. And would this have been sometime in 2000? 4 A. It was -- yes, that was in 2000. 5 Q. And how was it Intermedia came to learn about 6 this Unified Messaging component? 7 A. Actually, it came from two directions; one 8 internally, one externally. And when I say that, I mean 9 it had caught our eye in product management because it 10 had been appearing in -- in trade journals, business 11 industry magazines, publications. 12 And I as a product manager started looking at 13 Unified Messaging, and had put out a few feelers, 14 looking for someone that could provide that service, 15 rather than us building it, because it was already being 16 built, we just needed to find somebody that could do it. 17 Q. Um-hum (affirmative). 18 A. And about that same time, we had -- we got a 19 call -- actually, I got a -- one of these lovely little 20 sticky notes handed to me that had said, "You need to 21 call these guys." That's what the note said. 22 And it was a note -- the note came from Dave 23 Ruberg's office through my director to my supervisor to 24 me. And it was a Unified Messaging provider. The 25 company's name was EffectNet.</p>
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<p>1 Because we pretty much knew what internet was. 2 And we had the capability to do it, we just needed to 3 create the -- the billing system information, do a 4 little updated training for sales, and operations, and 5 customer service, price it and tariff it, and assign 6 someone responsible for it. 7 Q. And so Unified Voice Dot Net was basically 8 Unified Voice, the same thing, but just adding internet 9 service? 10 A. Exactly. 11 Q. Okay. And what came after the Unified Voice 12 Dot Net product? 13 A. Ah. After the Unified Voice Dot Net product 14 came -- well, it ultimately became IntermediaOne. 15 Q. And can you tell me how IntermediaOne came 16 about? 17 A. Yeah, that was exciting, too. 18 We had research from market -- product 19 marketing and from product management that identified a 20 new vertical service that the market was seeing that was 21 being received extremely well, it was called Unified 22 Messaging. 23 Q. And when was this about, kind of the inception 24 of IntermediaOne? 25 A. The inception of IntermediaOne was -- in a</p>	<p>1 Q. And what happened after you got that little 2 sticky post-it? 3 A. Well, there was a flurry -- flurry of 4 activity. 5 But at that time, there was one other company 6 that I had weeded through and kept to make contact with. 7 And EffectNet and this other company were the only two 8 that were really in the running. 9 I made the phone call to EffectNet, and I 10 think the -- Jay Jessup was the gentleman I had the name 11 and phone number for that came from Dave Ruberg's office 12 that said, "You need to call these guys." 13 So I called Jay Jessup, explained what we 14 were, who Intermedia was, what we were looking to do. 15 This was -- and I remember distinctly because it was so 16 unique in the industry. 17 At that time, again, remember, the industry 18 being huge, it moves like a battleship. I mean, it's so 19 slow. But Intermedia being able to move quickly. And 20 it was unique to see another company that moved as 21 quickly. 22 The conversation I remember took place on a 23 Tuesday. And I had, in talking to Jay Jessup, I 24 described what we were thinking of doing, had a little 25 bit of an idea what EffectNet could provide, and I asked</p>

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1 him how soon can we get together.

2 He said, "We'll be there Thursday."

3 Q. And can you tell me when you say Unified  
4 Messaging what you mean?

5 A. Yes. Unified Messaging at that time was the  
6 capability to access all of your messaging information,  
7 I mean voicemail, e-mail, faxes, via a touchtone  
8 telephone. It had the capability, the system had the  
9 capability to do text-to-voice translations.

10 One of the things that we had gotten from our  
11 customer base was I need to be -- I need to be able to  
12 access my messaging, I need to be able to access  
13 voicemail, e-mail, and faxes from other than in my  
14 office, because I'm not there, I'm out, I'm traveling,  
15 I'm in the airport, I can't get my e-mail, I know there  
16 is an important e-mail in there for me, I can't get to  
17 it.

18 Well, Unified Messaging has -- has that  
19 service -- inherent with that service, one of the  
20 capabilities was to be able to access all of that  
21 messaging information, translate it from text to voice,  
22 and have your e-mails read to you over the phone.

23 Then you could not only respond to that e-mail  
24 with a voice message attached back to an e-mail message  
25 as a wav file for the sender to receive, but you could

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1 also forward it, you could save it, you could have faxes  
2 read to you over the phone.

3 So it was a -- it was an incredible asset to  
4 our -- to our product set.

5 Q. And what did you think of Unified Messaging at  
6 the time, your overall impression?

7 A. Cutting edge. It was expected to be a huge  
8 business. Market analysis at that time calculated a 16  
9 billion dollar business.

10 Q. And did Intermedia conduct business analysis  
11 regarding Unified Messaging and its profitability?

12 A. Yes.

13 Q. Now, I'm just going to back up a second. You  
14 said you talked to someone from EffectNet on a Tuesday,  
15 and they came out on a Thursday.

16 A. Right.

17 Q. So what happened on that Thursday?

18 A. That Thursday, we had -- I got my team  
19 together. My team included at that time my -- my peers  
20 in product management, because it encompassed other than  
21 just the -- the Unified Voice product, in fact, the  
22 Unified Voice Dot Net.

23 So it was my peers, our supervisor, and I  
24 think there were two -- two members from EffectNet that  
25 were in that meeting. They brought PowerPoint

1 presentations and product description information, more  
2 detailed than what I had had at that time.

3 And in that meeting, we decided, "we",  
4 Intermedia decided to move forward with negotiations  
5 with EffectNet.

6 Q. And what exactly happened at that meeting?

7 A. Well, we saw a terrific presentation that  
8 described what we envisioned as being a great product to  
9 add to our Unified Voice Dot Net service. And we saw a  
10 team of people that was as dedicated as we were and  
11 responsive to -- to our needs.

12 Q. And do you know if there were profitability  
13 studies conducted regarding Unified Messaging at  
14 Intermedia?

15 A. Yes.

16 Q. So let's talk about the decision to go with  
17 EffectNet and offer a Unified Messaging product. That  
18 addition of Unified Messaging to Unified Voice Dot Net  
19 eventually became IntermediaOne?

20 A. Became IntermediaOne.

21 Q. So can you walk me through the systems for the  
22 launch for that product?

23 A. The launch was -- it was -- it was very  
24 exciting to launch. It wasn't as demanding as  
25 developing a brand new product, like Unified Voice was,

1 because we already had the -- the basic framework in  
2 place.

3 But the Unified Voice -- I mean the Unified  
4 Messaging component of IntermediaOne -- of what became  
5 IntermediaOne created a lot of excitement, again, in the  
6 company.

7 IntermediaOne, based upon its capabilities,  
8 Intermedia became the -- the largest CLEC in the United  
9 States that was able to provide that combined service,  
10 that integrated service.

11 Dave Ruberg, our C.E.O., dubbed IntermediaOne  
12 our flagship product.

13 Q. So was the IntermediaOne product important to  
14 Intermedia's revenues?

15 A. Tremendously.

16 Q. You said there was a lot of excitement about  
17 the IntermediaOne product. What do you mean by  
18 excitement?

19 A. Oh, yeah. Because this was something that the  
20 salespeople had brought in to us. So they were  
21 tremendous -- they were behind it a hundred percent.

22 Because one of the things they had told us  
23 from the customers was I need to be able to get access  
24 to our messaging. I can't do it, I'm in the airport.

25 You know, there was no wi-fi in those days, no hot --

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<p>1 you know, or very few hot spots. So you had -- you just 2 couldn't get that -- the access to that information 3 while you were a business traveler. 4 So we were satisfying a need sales saw. We 5 were satisfying an opportunity product marketing saw 6 that was going to be a tremendous business nationwide, 7 16 billion dollars. So Intermedia saw an opportunity to 8 make a lot of money with that product. 9 Q. And do you know if there was any marketing 10 analysis? 11 A. Yeah. Yeah, there was. And we had -- and 12 that was done, again, by product marketing. We didn't 13 see a lot of the detail in the background information, 14 but we just saw pretty much a flag go up, say, "Yeah, 15 the market wants it, and here's what -- here's what it 16 can bear with regard to pricing." 17 Q. And would you describe Intermedia as being 18 thorough in terms of its investigation of a new product 19 launch? 20 A. Yes. 21 Q. And why would you say it would be thorough? 22 A. Thorough because we didn't -- we didn't make a 23 move, the company didn't make a move on launching any 24 product without all of the I's being dotted, all of the 25 T's being crossed, document, document, document, the</p>	<p>1 sold independently. And I say independently, I mean 2 independently from what had been Unified Voice Dot Net 3 and IntermediaOne. 4 Unified Messaging was not only part of the 5 IntermediaOne offering, it could also be sold standalone 6 to existing customers that were in the single T product 7 environment, to other business units, the Advanced 8 Business Unit, called A.B.U., that encompassed 9 multi-tenant high-rise buildings in large metropolitan 10 service areas around the country. That business unit 11 was also chartered with selling Unified Messaging. 12 The single T customer was going to be up-sold 13 Unified Messaging. And Unified Messaging as a 14 standalone product could be sold to any business, 15 anywhere. 16 Q. So if I'm understanding you correctly, in 17 addition to selling it in the 54, 55 markets where 18 Intermedia had a product, it could be sold nationwide? 19 A. Where Intermedia had a switch -- 20 Q. A switch. 21 A. -- it could be sold nationwide. 22 And not just nationwide. Worldwide. Because 23 access to that functionality was based upon having a 24 touchtone phone and dialing a toll free 800 number. 25 Q. And EffectNet was the partner with Intermedia</p>
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<p>1 analysis being done, and approval from the executive 2 staff to go forward. 3 Q. And how was IntermediaOne viewed with respect 4 to Intermedia's strategic plan going forward? 5 MR. IBA: Objection, foundation. 6 BY MS. MURCH: 7 Q. Let me back up. You testified earlier that 8 Intermedia was, I'll paraphrase, extremely important to 9 Intermedia's revenues. How was it viewed within 10 Intermedia this IntermediaOne product going forward? 11 MR. IBA: Objection, foundation. 12 BY MS. MURCH: 13 Q. You can answer. 14 A. IntermediaOne, again, Dave Ruberg called it 15 our flagship product. So that message coming personally 16 from our C.E.O., that led every employee in the company 17 to believe we need to focus on making this successful. 18 Q. And -- and how did people try to make this 19 product as successful as possible? 20 A. Well, the -- the Unified Messaging component 21 was not only added to the Unified Voice Dot Net product, 22 which became IntermediaOne. 23 The Unified Voice -- or the Unified Messaging 24 capability was also added to every other business unit 25 in the company as a standalone product that could be</p>	<p>1 in assisting with that Unified Messaging? 2 A. Yes. 3 Q. How committed at that meeting that you had, I 4 believe it was on a Thursday, did EffectNet seem to 5 making the Unified Messaging a reality? 6 A. Extremely. There was -- Jay Jessup's words 7 were "We'll do whatever we have to do to make this 8 happen for you." 9 Q. And do you feel that EffectNet did that? 10 A. Yeah. Yes, I do. 11 Q. Did product marketing at Intermedia perform 12 demographic studies and due diligence regarding 13 IntermediaOne product? 14 A. Yes. 15 Q. And again, were these documented? 16 A. Yes, they were. 17 Q. And were there -- we talked a little bit 18 earlier in your deposition about team meetings, you 19 know, the team was assembled. 20 A. Um-hum (affirmative). 21 Q. Was a team assembled for IntermediaOne? 22 A. Yes, IntermediaOne, and the team was led by 23 actually our director, Jack Lee, he took the forefront 24 on that to ensure that we had representation from all 25 the departments, buy-in from all the executives.</p>

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<p>1 And when I say the executives, I mean senior 2 V.P.'s, V.P.'s, C.E.O., C.F.O., all the C level 3 officers. And I know he had independent meetings with 4 them that our team certainly wasn't involved in, but I 5 know he -- he acquired all of the support that the 6 company needed to go forward with developing the 7 IntermediaOne product, which again, became the flagship 8 product. 9 Q. And the team assembled included which 10 departments? 11 A. All of those I mentioned before. 12 Q. Um-hum (affirmative). 13 A. Product marketing, product management, sales, 14 customer service, customer operations, switching, 15 regulatory, public relations, and -- I think I said 16 switching. 17 Q. And were there minutes taken of the 18 IntermediaOne team meetings? 19 A. Yes. 20 Q. And what did you -- and were those minutes for 21 the IntermediaOne team meetings documented? 22 A. Yes. 23 Q. And how were they documented? 24 A. Documented, again, in Word, Microsoft 25 Projects, Excel spreadsheets.</p>	<p>1 A. That's right. 2 Q. And where did you keep those electronic 3 documents, Mr. -- 4 A. On my hard drive. 5 Q. Would that include e-mail, Mr. Renforth? 6 A. Yes, ma'am. 7 Q. And did you ever delete any of these documents 8 off of your hard drive? 9 A. Only really old e-mail messages. And I say 10 old, 1990 -- 1998, early 1998, as a -- as a prompt from 11 our I.T. folks saying, "Hey, you've got too much stuff. 12 You need to get rid of some of it." 13 Q. And so the old e-mail messages -- the only 14 thing you got off -- deleted from your hard drive is old 15 e-mail messages from 1997 and 1998? 16 A. 19 -- 17 MR. IBA: Objection, misstates the testimony. 18 BY MS. MURCH: 19 Q. Can you tell me, was there anything else you 20 deleted off your hard drive besides certain e-mails? 21 A. No. 22 Q. And when were those e-mails deleted off -- 23 from what time period did those e-mails come? 24 A. Probably first few months of 1998. 25 Q. Did you ever delete any of the documents</p>
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<p>1 Q. And how did you receive copies of those 2 minutes? 3 A. Soft and hard copies. 4 Q. And what did you do with those copies you 5 received? 6 A. I had two repositories -- actually, three. We 7 had a shared drive on a company server. I had soft 8 copies in folders on my hard drive. And then hard 9 copies in file drawers in my office. 10 Q. And do you remember the name or the letter of 11 the shared drive at IntermediaOne where the 12 IntermediaOne information was stored? 13 A. Yeah. 14 Q. And that was which drive? 15 A. It was K. I hadn't thought of that in years. 16 Q. And so you said you had information on the 17 shared drive. So would any -- would financial or any 18 other information regarding the IntermediaOne product 19 have been put on the shared drive at Intermedia? 20 A. Yes. 21 Q. So in addition to you, there were other users 22 who would put information on that shared drive? 23 A. That's correct. 24 Q. And you said you also had electronic 25 documents?</p>	<p>1 related to IntermediaOne off your hard drive? 2 A. No. 3 Q. And you -- 4 A. And let me back up. The e-mails weren't 5 deleted. They were removed and saved to floppies. 6 Q. So there was always a copy of the e-mails you 7 had? 8 A. Oh, yeah. 9 Q. And what happened to those floppies? 10 A. They were in my desk. 11 Q. So is it safe to say that during your time at 12 IntermediaOne, you always kept records of every 13 electronic e-mail and document you had, whether it was 14 on your hard drive or on floppy? 15 A. Yes. 16 Q. Did other people at Intermedia embrace kind of 17 the same policy you had of saving all of this 18 information? 19 MR. IBA: Objection, foundation. 20 BY MS. MURCH: 21 Q. You can answer. 22 A. I -- yes. I think because of the culture of 23 the company. 24 Q. And you also mentioned that you had hard copy 25 documents relating to the IntermediaOne product?</p>

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<p>1 A. That's correct.</p> <p>2 Q. And where were those stored, Mr. Renforth?</p> <p>3 A. In a file drawer in my drawer -- in my office.</p> <p>4 Q. And were these file drawers relate -- somehow</p> <p>5 labeled?</p> <p>6 A. The folders in the drawers were.</p> <p>7 Q. And so if you had -- well, let me back up.</p> <p>8 Did you have file folders related to the</p> <p>9 IntermediaOne product?</p> <p>10 A. Sure.</p> <p>11 Q. And were these folders labeled?</p> <p>12 A. Yes.</p> <p>13 Q. And how were they labeled?</p> <p>14 A. Well, there were several -- several hanging</p> <p>15 folders, because of the amount, that were labeled</p> <p>16 IntermediaOne, and then manila folders inside those</p> <p>17 hanging folders with specific labels with regard to</p> <p>18 content, such as "product description", "training,"</p> <p>19 "forecasts", "reports".</p> <p>20 Q. So you kept a hard copy of the reports and</p> <p>21 forecasts for the IntermediaOne product?</p> <p>22 A. Yes.</p> <p>23 Q. And again, this was both -- I'm sorry, was on</p> <p>24 hard copy in file -- labeled file folders in your</p> <p>25 office, on your hard drive, and as well as on the shared</p>	<p>1 IntermediaOne product and enthusiastic. Were there</p> <p>2 forecasts created for the usage of the IntermediaOne</p> <p>3 product?</p> <p>4 A. For usage?</p> <p>5 Q. I'm sorry, for the number of customers or --</p> <p>6 A. Oh, yes. For the number of customers, yeah.</p> <p>7 Q. And what kind of forecasts were created?</p> <p>8 A. Two that I was familiar with. And there were</p> <p>9 others, again with the other business units, A.B.N. and</p> <p>10 standalone.</p> <p>11 We had a forecast from product marketing that</p> <p>12 identified the objective for -- or the -- the estimate</p> <p>13 for new customers and existing customers.</p> <p>14 Q. And can you tell me about the forecasts for</p> <p>15 new customers?</p> <p>16 A. New customers, sure. We had, from product</p> <p>17 marketing, that identified an estimate of 300 plus,</p> <p>18 excuse me, new customers a month. Each of those new</p> <p>19 customers was estimated to have 100 employees, and</p> <p>20 conservatively, to be equipped with five Unified</p> <p>21 Messaging mailboxes for each customer.</p> <p>22 Q. So about how many mailboxes would that have</p> <p>23 been per month?</p> <p>24 A. About -- between 15 and 16,000 -- no.</p> <p>25 Q. 1500?</p>
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<p>1 drive in Intermedia?</p> <p>2 A. That's correct.</p> <p>3 Q. Mr. Renforth, we've been going about an hour,</p> <p>4 so I'm going to take a little five- or ten-minute break,</p> <p>5 if that's okay with you.</p> <p>6 A. Works for me.</p> <p>7 Q. Let you get a cup of coffee.</p> <p>8 THE VIDEOGRAPHER: Going off the record at</p> <p>9 10:45.</p> <p>10 (Recess.)</p> <p>11 THE VIDEOGRAPHER: This is tape number two of</p> <p>12 the continued videotaped deposition of James</p> <p>13 Renforth. We're back on the record at 10:58.</p> <p>14 BY MS. MURCH:</p> <p>15 Q. Okay. Mr. Renforth, we were talking about,</p> <p>16 earlier in your deposition, that you had stored</p> <p>17 information on the shared K drive, the hard drive, and</p> <p>18 you also had hard copies.</p> <p>19 Would that information that you kept on the</p> <p>20 shared K drive, the Intermedia -- on your personal hard</p> <p>21 drive, and the hard copies regarding the IntermediaOne</p> <p>22 product include information regarding Unified Messaging?</p> <p>23 A. Yes.</p> <p>24 Q. I'm going to talk about -- you had mentioned</p> <p>25 that everyone at Intermedia was very excited about the</p>	<p>1 A. Yeah, 15 to 1600.</p> <p>2 Q. And then we would multiply that by 12 months?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. The other forecast was for existing customers,</p> <p>6 both Unified Voice Dot Net, which ultimately became</p> <p>7 IntermediaOne, and single T customers. There were</p> <p>8 approximately 12,000 existing customers that could be</p> <p>9 up-sold. And that estimate was at ten percent, which</p> <p>10 would have been 1200 customers. And again, we used the</p> <p>11 five mailbox figure.</p> <p>12 So in addition to the 15 to 1600, we were</p> <p>13 talking about adding about 6,000 a month to that base.</p> <p>14 Q. So if I understand the forecast correctly, the</p> <p>15 new customers would be about -- you said there were</p> <p>16 about 15 to 16 hundred a month. That would be at a</p> <p>17 minimum about 18,000 mailboxes for the first year?</p> <p>18 A. For the first year.</p> <p>19 Q. And then for the existing customers, you said</p> <p>20 about 6,000 a month was being --</p> <p>21 A. A month.</p> <p>22 Q. To the base.</p> <p>23 So 6,000 times 12, plus the 18,000 that you</p> <p>24 had mentioned?</p> <p>25 A. That's correct.</p>

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<p>1 Q. And the forecasts you had seen, were they for 2 three years? Or were they for just one year? Projected 3 out. 4 A. Three years. With incremental growth monthly. 5 Q. And what do you mean by incremental growth 6 monthly? 7 A. Well, the -- the 1500 to 1600 plus the 6,000 a 8 month. 9 Q. Um-hum (affirmative). 10 A. Cumulative, cumulated over the three-year 11 period. 12 Q. So IntermediaOne -- or Intermedia didn't 13 expect those numbers to remain stagnant? 14 A. No, absolutely not. 15 Q. And did IntermediaOne -- or, I'm sorry, 16 Intermedia continue to expect those numbers to grow year 17 after year? 18 A. Yes. Yes. In fact, I might add that those -- 19 the numbers were very conservative in those estimates. 20 Because if you think about having a sales force of 600 21 plus people, 600 salespeople, and targeting 300 new 22 accounts a month, that's only selling a half a deal a 23 month. 24 Q. And do you know if whoever created those 25 forecasts factored in this sales force of 600?</p>	<p>1 Q. And so then again, as exemplified by the 2 Unified Voice product, that also exceeded expectations? 3 A. The Unified Messaging -- 4 MR. IBA: Objection, mischaracterizes 5 testimony, assumes facts not in evidence. 6 BY MS. MURCH: 7 Q. Mr. Renforth, I'm going to back up. 8 A. Okay. 9 Q. And if you can explain to me how Unified 10 Voice, that product, exceeded expectations. 11 A. The Unified Voice product? 12 Q. Um-hum (affirmative). 13 A. Exceeded expectations exponentially. Nearly 14 doubled the company's revenues. 15 Q. And the Unified Voice product was basically 16 the basis for Unified Voice Dot Net, which was the basis 17 then in turn for IntermediaOne; is that fair? 18 A. That's correct. 19 Q. And let's talk about how many cities were 20 targeted for the launch, if you recall, for the 21 IntermediaOne product. 22 A. For IntermediaOne? 23 Q. Um-hum (affirmative). 24 A. Initially, seven. 25 Q. And do you recall which cities those were?</p>
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<p>1 A. No, I don't think they did. No. I'm sure 2 they didn't. 3 Q. And do you know if there were any quotas for 4 sales staff? 5 A. There were. 6 Q. So sales staff did have to sell a certain 7 amount of IntermediaOne product? 8 A. Yes. 9 Q. And do you know if they received commissions 10 for IntermediaOne product? 11 A. Yes, they did. In fact, the commission was 12 structured so that they would be -- and, you know, 13 salespeople sell what they get paid for. 14 So IntermediaOne, with the Unified Messaging 15 component, was targeted in a very lucrative commission 16 base that would incent the salespeople, here is what I'm 17 going to sell because this is what I make money on. 18 Q. Do you think that Intermedia was generally 19 conservative in its forecasts for new launches? 20 A. Yes, I do. 21 Q. And in terms of, for example, the Unified 22 Voice Dot Net, you had talked about the revenue base 23 jumped from, I may not quite have the numbers right, 24 approximately 65 million to over a hundred million? 25 A. Um-hum (affirmative). That's correct.</p>	<p>1 A. I think so. Now, I know five of them were the 2 five that we did the customer focus groups in. 3 Q. Okay. 4 A. And then there were two additional ones. The 5 additional ones were Minneapolis and Pittsburgh. 6 Q. And just for the record, if you could recall 7 what the other five were. 8 A. Boston, Charlotte, Chicago, New York, and 9 Raleigh. 10 Q. And how were the other cities factored in? I 11 know you had mentioned that IntermediaOne had 54 to 55 12 cities. How did those factor into the launch in 13 IntermediaOne? 14 A. They were going to be -- those cities were 15 going to be turned up for sales monthly after the 16 initial launch in those seven cities through the end of 17 2000. So there would have been probably four to five a 18 month, new cities turned on. 19 Q. And would the financial -- I'm sorry, the 20 forecasts, would those have been updated as the 21 additional cities were added to the launch? 22 A. Yes, they would be. 23 Q. And what time frame did Intermedia have for 24 adding all of the 54 to 55 cities? 25 A. That was through the end of 2000.</p>

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<p>1 Q. And so to your knowledge, then, Intermedia was</p> <p>2 also looking to sell Unified Messaging through its</p> <p>3 Advanced Business Unit arm?</p> <p>4 A. That's exactly right.</p> <p>5 Q. And I believe you also talked about agent</p> <p>6 sales --</p> <p>7 A. Agent sales.</p> <p>8 Q. -- as another area in addition to what you</p> <p>9 were familiar with where this Unified Messaging would be</p> <p>10 sold?</p> <p>11 A. That's right.</p> <p>12 Q. And can you tell me a little bit about that?</p> <p>13 A. Just a little bit, because I was involved just</p> <p>14 briefly at the outset, and that was to go train one</p> <p>15 specific agent in Boston on what the product was and how</p> <p>16 to sell it.</p> <p>17 And then they were going to implement it on</p> <p>18 their website to sell to business customers in the</p> <p>19 Boston area.</p> <p>20 Q. And who was going to provide that online sales</p> <p>21 vehicle? Do you know?</p> <p>22 A. It would be a direct electronic link from that</p> <p>23 company to Intermedia's order entry system.</p> <p>24 Q. And so a customer, rather than having to deal</p> <p>25 with a live person, could just go online and place an</p>	<p>1 costs, make sure we had a margin.</p> <p>2 Q. So for the 4.90 -- or, I'm sorry, the 9.95,</p> <p>3 what was the approximate cost to Intermedia?</p> <p>4 A. It was around \$5.</p> <p>5 Q. \$5?</p> <p>6 And so the gross margin would have been, what,</p> <p>7 about a hundred percent?</p> <p>8 A. About a hundred percent. And that was -- that</p> <p>9 was across the board for all three tiers.</p> <p>10 Q. Now, under the Unified Communications</p> <p>11 Agreement, there were two tiers of pricing, there was</p> <p>12 limited service and unlimited service. Do you know, for</p> <p>13 purposes of the new mailboxes, did Intermedia assume it</p> <p>14 would be unlimited service at the 27.40 price or at the</p> <p>15 lower price?</p> <p>16 MR. IBA: Objection, leading, misstates, the</p> <p>17 contract speaks for itself.</p> <p>18 BY MS. MURCH:</p> <p>19 Q. Mr. Renforth, do you know which pricing would</p> <p>20 have been used under the Unified Communications</p> <p>21 Agreement?</p> <p>22 A. The -- the unlimited was used.</p> <p>23 Q. Okay. I'm going to hand you a copy of the</p> <p>24 Unified Communications Agreement, which has been marked</p> <p>25 as Exhibit 2. Here is a copy for your counsel.</p>
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<p>1 order for those Unified Messaging product?</p> <p>2 A. That's correct.</p> <p>3 Q. And do you remember the name of the company</p> <p>4 that would offer that internet service with Intermedia?</p> <p>5 A. That one was called Simplicity.</p> <p>6 (Knock on door).</p> <p>7 MR. JUNG: Come in.</p> <p>8 BY MS. MURCH:</p> <p>9 Q. And do you know what ever happened with</p> <p>10 Simplicity?</p> <p>11 A. No.</p> <p>12 Q. Mr. Renforth, let's talk about pricing of the</p> <p>13 IntermediaOne product.</p> <p>14 A. IntermediaOne or the Unified Messaging</p> <p>15 component?</p> <p>16 Q. Unified Messaging component.</p> <p>17 A. Okay.</p> <p>18 Q. What can you tell me about that?</p> <p>19 A. We had three different tiers set up, based</p> <p>20 upon customer's need. And I'm not -- I don't really</p> <p>21 remember the exact numbers, but I'm thinking 9.95,</p> <p>22 19.95, and 24.95, something like that.</p> <p>23 Q. And how was this pricing determined?</p> <p>24 A. Based upon market -- product marketing,</p> <p>25 research, what the market would bear, and Intermedia's</p>	<p>1 Mr. Renforth, I'm going to ask you to go to</p> <p>2 the very last page, which is pricing. And you'll see</p> <p>3 there is a basic of 11.45 and an unlimited of 27.40. Do</p> <p>4 you see those two figures there?</p> <p>5 A. I do.</p> <p>6 Q. And so which two of these figures did</p> <p>7 Intermedia assume, was it the 11.45 or the 27.40?</p> <p>8 A. 27.40.</p> <p>9 MR. IBA: Objection.</p> <p>10 Mr. Renforth, you need to let me assert my</p> <p>11 objections first --</p> <p>12 THE DEPONENT: Oh, I'm sorry.</p> <p>13 MR. IBA: -- before you answer.</p> <p>14 I'm going to object to foundation, and vague</p> <p>15 and ambiguous.</p> <p>16 MS. MURCH: Okay.</p> <p>17 BY MS. MURCH:</p> <p>18 Q. We'll back up, Mr. Renforth. You see Exhibit</p> <p>19 2, which is the EffectNet Unified Communications Service</p> <p>20 General Agreement for Intermedia Communications, Inc.?</p> <p>21 A. Yes.</p> <p>22 Q. Have you seen this document before?</p> <p>23 A. Yes.</p> <p>24 Q. And were you involved at all in negotiating</p> <p>25 this agreement?</p>

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<p>1 A. I left because my product was scrapped.  2 Q. And how did you learn your product was  3 scrapped?  4 A. Product management staff meeting April, May  5 time frame.  6 Q. Of which year, Mr. Renforth?  7 A. 2001.  8 We had our vice president, Kathy Victory, Jack  9 Lee, our director, Cheryl Mellon, my supervisor, my  10 peers, and myself. In that meeting, we learned that the  11 IntermediaOne product was going to be dropped, and that  12 Intermedia's focus would go back to the single T  13 product.  14 Q. So let me get this straight. So all of the  15 work for Unified Voice, which was transferred into  16 Unified Voice Dot Net, which was then transferred into  17 the flagship product of IntermediaOne, was being  18 scrapped?  19 A. Yes.  20 Q. And Intermedia was going back to the single T  21 product which it had back in 1990 --  22 A. In the 1990's.  23 Q. How was it determined, do you know, that the  24 IntermediaOne product was going to be scrapped?  25 A. The reason we were given -- because several of</p>	<p>1 Q. You can answer.  2 A. I just thought my product is gone, I need to  3 get out of here.  4 Q. What can you tell me about the merger between  5 M.C.I. and Intermedia --  6 MR. IBA: Objection, calls --  7 BY MS. MURCH:  8 Q. -- and your involvement?  9 MR. IBA: It calls for a narrative answer.  10 BY MS. MURCH:  11 Q. Mr. Renforth, did you do anything in  12 connection with the M.C.I./Intermedia merger?  13 A. No.  14 Q. Were you aware of the M.C.I./Intermedia  15 merger?  16 A. I was aware that there were negotiations.  17 Q. And what was your knowledge of those  18 negotiations?  19 A. Initially was that M.C.I. was doing due  20 diligence or asked for due diligence from Intermedia.  21 And the word that we got as employees was their initial  22 interest was in just the Digex Properties.  23 Q. And Digex, D-I-G- --  24 A. D-I-G-E-X.  25 Q. And was Digex related to the IntermediaOne</p>
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<p>1 us were very involved, as you know, and were verbally  2 upset by that news. And when we asked why, the reason  3 that we were given from our V.P. was "The back office  4 can't keep up."  5 Q. Did you believe that reason?  6 A. No.  7 Q. And what role did the executives have in  8 scrapping that product?  9 A. I don't know. Other than just saying we're  10 not going to sell it anymore.  11 Q. Was there ever a -- in April, May 2001, was  12 there an executive committee decision to scrap the  13 product?  14 MR. IBA: Objection, foundation.  15 A. I don't know.  16 BY MS. MURCH:  17 Q. I'm sorry?  18 A. There had to have been.  19 MR. IBA: Speculative.  20 BY MS. MURCH:  21 Q. And so the product you found out in April, May  22 2000 was going to be scrapped, and you decided to leave  23 because?  24 MR. IBA: Objection, asked and answered.  25 BY MS. MURCH:</p>	<p>1 product?  2 A. They provided the transport, the -- the  3 connectivity between all those cities, they provided  4 the backbone, transport facilities through digital  5 medium.  6 Q. At the time, did you feel that the  7 M.C.I./Intermedia merger would have had an impact on  8 IntermediaOne?  9 A. No.  10 Q. And why not?  11 A. Because we were a local services provider and,  12 again, their interest, what we heard from our -- from  13 our other employees was that they were interested in  14 just Digex, not the Intermedia products or services.  15 Q. So Intermedia products and services were  16 independent of the Digex?  17 A. Independent from the Digex Property, sure.  18 Q. I'm just going to skip around for one quick  19 moment. We had talked about gross margins for the  20 IntermediaOne product. And I think you said it was  21 roughly 90 to a hundred percent? Is that accurate?  22 A. Unified Messaging was.  23 Q. Yes. Um-hum (affirmative).  24 A. Yes.  25 Q. And was it always geared towards 90 to a</p>

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<p>1 manager when I left. And I gave him access to those 2 files with my I.D. and password. 3 Q. So when you left, did you throw anything away? 4 A. No. 5 Q. Did you delete anything from your hard drive 6 when you left? 7 A. No. 8 Q. Did you delete any e-mail? 9 A. No. 10 Q. Did you throw away any hard-copy documents? 11 A. No. 12 Q. So all of the information relating to 13 IntermediaOne and Unified Messaging, when you left 14 Intermedia, was kept intact by you? 15 A. Yes. 16 MS. MURCH: I'm just going to take a quick 17 five-minute break. 18 THE VIDEOGRAPHER: Going off the record at 19 11:38. 20 (Recess.) 21 THE VIDEOGRAPHER: This is tape number three 22 of the continued videotaped deposition of James 23 Renforth. We're back on the record at 11:48. 24 BY MS. MURCH: 25 Q. Now, Mr. Renforth, can you tell me when</p>	<p>1 could get in there. 2 Q. And do you know what departments shared the K 3 drive? 4 A. Some. That would have been product 5 management, product marketing. 6 Q. And so would all -- oh, go ahead. 7 A. And I don't know who else. 8 Q. And so would all information, say, for 9 example, related to a launch, whether it be Unified 10 Voice or IntermediaOne, would that have been stored on 11 the K drive? 12 A. Yes. 13 MS. MURCH: I don't have any other questions 14 for you right now. 15 THE DEPONENT: You're not -- you're done? 16 MS. MURCH: I -- I think so. Knock wood. I'm 17 going to turn it over to Mr. Iba. 18 THE DEPONENT: Thank you. 19 MR. JUNG: All right. 20 CROSS-EXAMINATION 21 BY MR. IBA: 22 Q. Mr. Renforth, I want to just take us back 23 quickly and talk a little bit about Intermedia as a 24 company. 25 A. Um-hum (affirmative).</p>
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<p>1 approximately your last day of employment was with 2 Intermedia? 3 A. Yes. June 27th, 2001. 4 Q. Now, do you know if Intermedia had a document 5 retention policy? A written document retention policy? 6 A. I don't remember seeing one, but I know it was 7 verbally stated throughout the company. 8 Q. And what was that verbal statement? 9 A. Document, document, document. I can hear my 10 director saying it. 11 Q. And do you know if there was a periodic 12 destruction of records by Intermedia? 13 A. Periodic destruction? 14 Q. Um-hum (affirmative). For example, was there 15 a schedule where documents would be destroyed monthly or 16 yearly? 17 A. Not that I know of. 18 Q. Do you know if other people who were working 19 on the IntermediaOne product put documents on the K 20 drive? 21 A. Yes. 22 Q. And who had access to the K drive? 23 A. The team -- the team members, their directors, 24 immediate supervisors, and the executive staff. And I 25 know they were password protected, so not just anybody</p>	<p>1 Q. What did Intermedia do? 2 A. Intermedia was a competitive local exchange 3 carrier, a CLEC. 4 Q. And how do CLEC's work? 5 A. CLEC's, at that time, when I joined them, they 6 resold local resale. 7 Q. So they would go to the incumbent local 8 exchange carrier, buy time on the local company's 9 facilities, and then resell that time, is that -- 10 A. That, plus take ownership and responsibility 11 for specific end-user customers who had agreed to sign 12 up with that CLEC. 13 In other words, nothing would change, the 14 infrastructure would not change in the way a customer 15 was connected to the local incumbent's facilities. The 16 only thing that would change is the billing. 17 The billing from the incumbent would move from 18 billing end-user customer to billing the CLEC, then the 19 CLEC would bill the end-user customer with a seven 20 percent gross margin built in. 21 Q. So if -- I can't remember where Intermedia had 22 switches. Did they have switches down here in Florida? 23 A. Yes. 24 Q. All right. What city? 25 A. Tampa.</p>

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<p>1 Q. So is it fair to say IntermediaOne was an 2 evolving product with enhancements going forward? 3 A. Yes. Absolutely. 4 Q. Mr. Renforth, I remember you testifying about 5 an E.D.I. transport upgrade? 6 A. Yes. 7 Q. Could you tell me what that is? I don't know 8 that I followed you on that. 9 A. E.D.I. stands for electronic data information, 10 or data interface. That was the automated billing 11 system that we wanted to put in place between EffectNet 12 and Intermedia. Where before I said we received both a 13 paper copy and a C.D. with the billing data. 14 Q. Um-hum (affirmative). 15 A. We wanted to be able to upgrade that, so we 16 had immediate and real time of day updates to the 17 system. 18 Q. And would the E.D.I. have been part of the 19 enhancements to the IntermediaOne product? 20 A. Yes. 21 Q. Now, I believe earlier you testified that you 22 left Intermedia in June 2001, but based on the 23 correspondence you see today, it would have been in July 24 2001; is that accurate? 25 A. It was -- that's correct, July 27th.</p>	<p>1 being the product manager, you know, you see the 2 handwriting on the wall. 3 So I thought, okay, this -- this shows a lack 4 of confidence on the company's part for product that I'm 5 managing. So, you know, I just felt that my expertise 6 and my abilities were in danger. 7 So rather than waiting for the ax to fall, I 8 said, hey, I've got to get out of here. 9 Q. And can you tell me a little bit more about 10 that conversation that Kathy Victory made the 11 announcement? Was that common knowledge, or was that 12 just disseminated to you, or -- 13 A. I don't know where else it had gone in the 14 company, but I know it came from her, which meant that 15 it had to have come from some agreement that the 16 executive committee -- or the executive staff had come 17 to. 18 And it was -- I don't know who else knew it, 19 at that time whether we were the first to know it or 20 whether we were the last to know it. But I know the 21 statement was made, and it was quite nonchalant. 22 Actually, it was just an agenda item in the meeting, 23 IntermediaOne was gone, single T is the primary focus. 24 And we were just all very much in shock. We 25 all just said, "Well, what do you mean? Why are we</p>
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<p>1 Q. Now, Mr. Renforth, I want to get back to your 2 reasons for leaving Intermedia. You had mentioned that 3 you thought there was a meeting where it was announced, 4 and I may be wrong, so correct me, I thought it was 5 maybe the April, May 2001 time frame where there was an 6 announcement where the IntermediaOne product was going 7 to be scrapped. And you were going to leave as a result 8 of your product being scrapped. 9 And today we've seen some correspondence that 10 talks about the IntermediaOne product that postdates 11 that. 12 Can you kind of square away your recollection 13 as to when that announcement was made where the product 14 was going to be scrapped? Do you remember hearing that? 15 And how that kind of fits in with the -- for example, 16 the exhibits that Mr. Iba gave? 17 A. That announcement was made to us through our 18 V.P., Kathy Victory, through our direct supervisors, 19 that the focus, Intermedia's focus was shifting back to 20 the single T product, and that the IntermediaOne product 21 was not going to be our primary objective for sales. 22 And that didn't mean that there was not going 23 to be any sales, because there were still some in the 24 process. What I saw that was, what I saw that as being 25 was that the product was going to be scrapped, and I</p>	<p>1 doing this?" And the reason, again, as I stated before, 2 was, as she said, the back office can't keep up. 3 Q. And when she told you Intermedia was gone, why 4 did Intermedia continue to sell the IntermediaOne 5 product? 6 A. Because it was still part and parcel of the 7 products that we sold. 8 Q. Did you construe that to mean while you might 9 continue to sell it now, it might be scrapped in the 10 near future entirely? Or how did you -- 11 A. And, yeah, that was just my thoughts. My 12 thoughts were, and my instinct told me if -- if our 13 focus is now off the IntermediaOne product, it's -- it's 14 downhill from here. 15 Q. Okay, Mr. Renforth, I'm going to ask you to go 16 to Exhibit 27. 17 A. Got it. 18 Q. Now, if I recall your testimony, you said that 19 these requirement -- the -- for example, the attachment 20 to be 27, the second page, I believe you said that these 21 were requirements, not forecasts? What did you mean by 22 that? 23 A. These were requirements that we had put into 24 place to meet that 10,000 bogey by the end of the first 25 year of the agreement. It was not our forecast. Our</p>

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<p>1 Ramsay</p> <p>2 documents relating to issues in these proceedings.</p> <p>3 Q. Do you recall what Miss Stolte's request</p> <p>4 was of them?</p> <p>5 A. Not specifically. I remember it was a</p> <p>6 very broad request for anything, as I recall,</p> <p>7 relating to EffectNet or Webley, or the</p> <p>8 relationship between the Intermedia and EffectNet</p> <p>9 or MCI, and Webley or MCI; any of those parties,</p> <p>10 anything, period. I can't recite what it said, but</p> <p>11 I remember it was very broad.</p> <p>12 Q. Do you know if Stinson still has the</p> <p>13 e-mail, or e-mails, that were sent by either Miss</p> <p>14 Stolte or Mr. Bigus to those individuals?</p> <p>15 A. I have no reason to think they wouldn't.</p> <p>16 I would think they would.</p> <p>17 MR. SMITH: I make a request for a copy</p> <p>18 of those e-mails that were sent to the</p> <p>19 individuals by Miss Stolte and/or Mr. Bigus.</p> <p>20 MR. DRISCOLL: Take it under advisement.</p> <p>21 Q. Do you know if any of the individuals</p> <p>22 who responded to Miss Stolte, responded either</p> <p>23 verbally or in an e-mail?</p> <p>24 MR. DRISCOLL: I'm sorry, could you read</p> <p>25 that back?</p> <p style="text-align: right;">Page 26</p>	<p>1 Ramsay</p> <p>2 A. I don't recall. I'm not sure that I</p> <p>3 knew, but I don't recall now.</p> <p>4 Q. In late fall 2004, was anyone else</p> <p>5 involved in locating, coordinating the review of</p> <p>6 documents in this proceeding?</p> <p>7 A. Other than the in-house counsel, no one</p> <p>8 from the firm, no.</p> <p>9 Q. Who from in-house counsel was involved?</p> <p>10 A. David Wachen.</p> <p>11 Q. Can you spell the last name?</p> <p>12 A. WACHEN.</p> <p>13 Q. Was Mr. Wachen involved at the same time</p> <p>14 we've been discussing Miss Stolte's roles, or role,</p> <p>15 as well as Mr. Bigus's role?</p> <p>16 A. I believe it was.</p> <p>17 Q. What's Mr. Wachen's title; do you know?</p> <p>18 A. No.</p> <p>19 Q. You just know him to be in-house counsel</p> <p>20 at MCI?</p> <p>21 A. Correct.</p> <p>22 Q. Is Mr. Wachen still involved in this</p> <p>23 proceeding?</p> <p>24 A. I believe that he is.</p> <p>25 Q. Do you know what, if anything,</p> <p style="text-align: right;">Page 28</p>
<p>1 Ramsay</p> <p>2 (Record read.)</p> <p>3 A. Either one. I believe they did.</p> <p>4 Q. In both matters?</p> <p>5 A. No, I'm not sure about e-mail. It may</p> <p>6 have been. I don't remember. There may be.</p> <p>7 MR. SMITH: To the extent that there</p> <p>8 were e-mail responses to Miss Stolte and</p> <p>9 Mr. Bigus, in response to their requests for</p> <p>10 documents, we request a copy of those</p> <p>11 documents.</p> <p>12 Q. Do you know if Mr. Bigus received any</p> <p>13 responses from any individuals that he contacted?</p> <p>14 A. I believe that he did.</p> <p>15 Q. Do you know who from?</p> <p>16 A. Specifically, no.</p> <p>17 Q. Do you recall for which entities, or</p> <p>18 entity, any of the individuals Miss Stolte</p> <p>19 contacted were either working for at the time, or</p> <p>20 had worked for previously?</p> <p>21 A. No. The specific name of -- the</p> <p>22 corporate name of the entity that they worked for</p> <p>23 at the time, I don't recall.</p> <p>24 Q. Do you know the name of the individuals,</p> <p>25 employees that Mr. Bigus contacted?</p> <p style="text-align: right;">Page 27</p>	<p>1 Ramsay</p> <p>2 Mr. Wachen did in late fall, or in the fall of</p> <p>3 2004, in connection with attempting to locate, or</p> <p>4 locate documents, or coordinate review of documents</p> <p>5 in this proceeding?</p> <p>6 MR. DRISCOLL: Excuse me, that's a</p> <p>7 compound question. I missed the second part.</p> <p>8 (Record read.)</p> <p>9 MR. DRISCOLL: That's locate or</p> <p>10 coordinate.</p> <p>11 MR. SMITH: If you have an objection,</p> <p>12 I'll rephrase it.</p> <p>13 MR. DRISCOLL: It was a question of</p> <p>14 understanding.</p> <p>15 MR. SMITH: Sure.</p> <p>16 A. I don't think I can recite everything he</p> <p>17 did, but I'm aware that he sent an e-mail advising</p> <p>18 employees to retain any documents they had; they</p> <p>19 could not be destroyed. I'm aware he provided, let</p> <p>20 me hold that off. He may have been the one I'm not</p> <p>21 certain, who provided a list of individuals who</p> <p>22 might have information.</p> <p>23 Q. Do you know when Mr. Wachen sent the</p> <p>24 e-mail you mentioned, advising to retain e-mails or</p> <p>25 documents?</p> <p style="text-align: right;">Page 29</p>



1 Ramsay  
2 **A. Part of that initial effort before I**  
3 **became involved, early fall, late fall, of '04.**  
4 Q. Do you know who he sent the e-mail to?  
5 **A. I couldn't try to list them.**  
6 Q. Do you know who?  
7 **A. I don't recall the list of people he**  
8 **sent it to.**  
9 Q. Have you ever seen the e-mail that he  
10 sent?  
11 **A. I have.**  
12 Q. Does Stinson have it in its possession?  
13 **A. I assume so.**  
14 MR. SMITH: I'd like to request a copy  
15 of that e-mail as well.  
16 Q. Aside from providing the list of  
17 individuals to contact for information, did  
18 Mr. Wachen, to your knowledge, do anything else  
19 with respect to locating documents?  
20 **A. I believe he did, yes.**  
21 Q. What else?  
22 **A. Again, I'm not certain at all, but my**  
23 **memory is that he put us in contact with a**  
24 **depository of some documents in Ashburn Virginia.**  
25 **I believe he's the individual who located and**  
Page 30

1 Ramsay  
2 **advised us of those. I'm not sure, but I think so.**  
3 Q. Do you know how he went about finding  
4 these documents in Virginia?  
5 **A. I don't.**  
6 Q. Do you know if Mr. Wachen did anything  
7 else, with respect to locating documents in this  
8 proceeding?  
9 **A. As I said, I don't recall all. He put**  
10 **us in contact with a number of individuals, and as**  
11 **we went through the process, I don't recall what he**  
12 **did, or necessarily all the individuals, but I**  
13 **recall that.**  
14 Q. Who were the names of the individuals he  
15 put you in contact with?  
16 **A. Well the names that initial list I**  
17 **believe, he provided to Sharon Stolte and Larry**  
18 **Bigus. I believe, he put us in contact with a**  
19 **woman by the last name of Tate, and a Beckman.**  
20 Q. What was the first name?  
21 **A. I think it's Roger, I think it's Brenda**  
22 **Tate, and at one point put us in contact with a**  
23 **gentleman by the name of Mancini.**  
24 Q. Do you know the first name?  
25 **A. I don't remember, I don't recall. I**  
Page 31

1 Ramsay  
2 **don't recall his first name.**  
3 Q. Anyone else that you recall him putting  
4 you in touch with?  
5 **A. As I sit here, no, I don't recall. As**  
6 **we go through, I may hear questions as we go**  
7 **through this process, I may think of something**  
8 **else, but at the top of my head, no.**  
9 Q. Do you have any documents that would  
10 refresh your recollection, as to any other  
11 individuals he put you in contact with?  
12 **A. Do I have them with me, or do they**  
13 **exist; what's the question?**  
14 Q. Do they exist?  
15 **A. There are some.**  
16 Q. What are those documents?  
17 **A. I have made some notes as I went through**  
18 **the process.**  
19 Q. Anything else?  
20 **A. E-mail that went back and forth might**  
21 **refresh my memory.**  
22 Q. Do you recall anything else that  
23 Mr. Wachen did in connection with locating  
24 documents in this proceeding?  
25 **A. I recall that he participated in at**  
Page 32

1 Ramsay  
2 **least two phone conferences with individuals**  
3 **regarding back up tapes.**  
4 Q. Anything else?  
5 **A. That's all that's coming to mind right**  
6 **now. As we go through this, I'll try, something**  
7 **might jog my memory from your questions, but that's**  
8 **all I think of now.**  
9 Q. With respect to the two phone  
10 conferences; were you on the phone as well?  
11 **A. Yes.**  
12 Q. Did you take notes of those phone calls?  
13 **A. I don't recall. I may have, but I**  
14 **don't -- I'm not certain.**  
15 Q. You mentioned a person by the name of  
16 Brenda Tate that Mr. Wachen put you in touch with?  
17 **A. Correct.**  
18 Q. Who is she?  
19 **A. I believe, and she is one of the**  
20 **individuals with the WorldCom records management**  
21 **function.**  
22 Q. She's still employed by MCI, or  
23 reorganized debtors?  
24 **A. As far as I know.**  
25 Q. Yes, as far as you know?  
Page 33

<p>1 Ramsay</p> <p>2 January 1, 2000 through the end of 2002, December</p> <p>3 of 2002?</p> <p>4 <b>A. Time frame for what?</b></p> <p>5 Q. For your request for of their search in</p> <p>6 these stored documents?</p> <p>7 <b>A. Well, that is a time frame we worked</b></p> <p>8 <b>with, but I don't believe their search for stored</b></p> <p>9 <b>documents was limited in that way. They searched</b></p> <p>10 <b>for terms and sometimes what I recall concepts,</b></p> <p>11 <b>marketing, that sort of thing, Intermedia</b></p> <p>12 <b>marketing, names. I'm sure we did give them dates,</b></p> <p>13 <b>but I know the index we produced includes documents</b></p> <p>14 <b>from earlier time frames, so it can't have been</b></p> <p>15 <b>that limited.</b></p> <p>16 Q. Do you know where the documents that</p> <p>17 they had indices of were stored?</p> <p>18 <b>A. I don't know where they were stored.</b></p> <p>19 <b>They were stored sometimes, at least in commercial</b></p> <p>20 <b>storage companies, like Iron Mountain, and perhaps</b></p> <p>21 <b>all over the world for that matter.</b></p> <p>22 Q. Do you know how the indices that they</p> <p>23 had were created?</p> <p>24 <b>A. I have some information about how the</b></p> <p>25 <b>index of Intermedia originating documents were</b></p> <p style="text-align: right;">Page 50</p>	<p>1 Ramsay</p> <p>2 <b>were asked to box up documents and create an index</b></p> <p>3 <b>and leave them in their office or their space.</b></p> <p>4 Q. You said RIF, I assume you're talking</p> <p>5 about reduction in force?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. As I understand your testimony, at the</p> <p>8 time when Intermedia was either being merged into</p> <p>9 or shutting down, in some way the employees who</p> <p>10 were laid off or terminated, in some way were told</p> <p>11 to box up their documents, create an index for</p> <p>12 those documents, and leave them where they were?</p> <p>13 <b>A. That's my understanding, yes.</b></p> <p>14 Q. Do you know if they were given some</p> <p>15 template to create an index what was contained in</p> <p>16 whatever documents they had?</p> <p>17 <b>A. I don't know.</b></p> <p>18 Q. Do you know what information they</p> <p>19 included in there respective indices?</p> <p>20 <b>A. Well, we have the index, but beyond</b></p> <p>21 <b>that, no. We have overall large index you've seen</b></p> <p>22 <b>on those boxes.</b></p> <p>23 Q. Well, were the indices that were given</p> <p>24 to you, and ultimately given to us in this case,</p> <p>25 the indices of each individual employee?</p> <p style="text-align: right;">Page 52</p>
<p>1 Ramsay</p> <p>2 <b>created.</b></p> <p>3 Q. Before I get to that, you make a</p> <p>4 distinction between the index of Intermedia</p> <p>5 documents and between other documents?</p> <p>6 <b>A. In terms of how they were created, yes.</b></p> <p>7 Q. Do you know if there were different</p> <p>8 indices for different entities?</p> <p>9 <b>A. My understanding, again, is it's when</b></p> <p>10 <b>computerized indexing system, whether they go to</b></p> <p>11 <b>two to three separate systems. I'm not absolutely</b></p> <p>12 <b>sure of that, but the information on the indexes, I</b></p> <p>13 <b>guess, is what I have some information on as it</b></p> <p>14 <b>relates to Intermedia originated documents.</b></p> <p>15 Q. I don't recall if this was the question</p> <p>16 I just asked you. Do you know how the indices were</p> <p>17 created?</p> <p>18 <b>A. I again, I've been told, in some respect</b></p> <p>19 <b>how information for the indexes was generated for</b></p> <p>20 <b>Intermedia.</b></p> <p>21 Q. Okay, and what information were you told</p> <p>22 about, how the information was gathered for</p> <p>23 Intermedia documents?</p> <p>24 <b>A. That as Intermedia was winding up and</b></p> <p>25 <b>employees were leaving their employment, RIF, they</b></p> <p style="text-align: right;">Page 51</p>	<p>1 Ramsay</p> <p>2 <b>A. That is my understanding.</b></p> <p>3 Q. For employees who were not either laid</p> <p>4 off, terminated, or in some way, do you know what</p> <p>5 they did with respect to their documents?</p> <p>6 <b>A. I only know that was the process and, I</b></p> <p>7 <b>don't know who you'd be referring to, or what</b></p> <p>8 <b>circumstance you'd be referring to, but as they</b></p> <p>9 <b>left to merge to go to MCI or to leave employment,</b></p> <p>10 <b>whatever; they were asked to box them and leave an</b></p> <p>11 <b>index.</b></p> <p>12 Q. Do you know if their boxes were titled</p> <p>13 in some way specific to those particular</p> <p>14 individuals?</p> <p>15 <b>A. Well again, from the indexes that you've</b></p> <p>16 <b>seen, we've seen, there are some instances where</b></p> <p>17 <b>that's the case, but generally not.</b></p> <p>18 Q. Do you know if, for example, I think you</p> <p>19 mentioned a Jim Renforth or James Renforth; do you</p> <p>20 know if he had created an index of whatever</p> <p>21 documents he had at the time that he left</p> <p>22 employment with Intermedia?</p> <p>23 <b>A. I know that I'd ask records management</b></p> <p>24 <b>to run his name against their stored documents, and</b></p> <p>25 <b>it produced only his personal file. No other</b></p> <p style="text-align: right;">Page 53</p>

<p>1 Ramsay</p> <p>2 documents identify as his.</p> <p>3 Q. Aside from individual employees creating</p> <p>4 indices for documents they had in their offices, do</p> <p>5 you know, otherwise, how documents stored by</p> <p>6 Intermedia were indexed?</p> <p>7 A. That's it. I believe, that's what I</p> <p>8 understand, that's what I understand the practice</p> <p>9 was.</p> <p>10 Q. Do you know if Intermedia had, I'm going</p> <p>11 to try and phrase the question; tell me if you</p> <p>12 understand it or not.</p> <p>13 Do you know if Intermedia had a records</p> <p>14 management office that on a rolling basis</p> <p>15 employees, would send documents or files so that</p> <p>16 these documents could be maintained in a central</p> <p>17 storage space contemporaneously with their own work</p> <p>18 files, for example?</p> <p>19 A. Well, I believe my understanding is the</p> <p>20 same storage function to the extent that happened,</p> <p>21 it would be through records management and part of</p> <p>22 their stored documents that is, encompasses all, so</p> <p>23 to the extent documents were stored prior to, or</p> <p>24 other than, I think it would be part of that as</p> <p>25 well.</p> <p style="text-align: right;">Page 54</p>	<p>1 Ramsay</p> <p>2 how other indices were created?</p> <p>3 A. Don't recall that they did.</p> <p>4 Q. Aside from Intermedia documents, did</p> <p>5 they have indices of other entities?</p> <p>6 A. Well, again, I'm not- I don't know that</p> <p>7 their indices are divided by entities. It's my</p> <p>8 understanding, their computer indexes cross entity</p> <p>9 lines, so I don't believe they were separated</p> <p>10 necessarily, by corporate entity, they may. I'm</p> <p>11 not aware of what they do, and I have been informed</p> <p>12 that their searches cross corporate lines.</p> <p>13 Q. Aside from the terms you mentioned</p> <p>14 earlier, I believe EffectNet Intermedia One and</p> <p>15 merger between MCI and Intermedia, were there other</p> <p>16 search terms that were used to search the indices</p> <p>17 that RIM had in its possession?</p> <p>18 A. Again, I believe Webley would have been</p> <p>19 used, and individual names were also used.</p> <p>20 Q. Well, I understand. I'm just talking</p> <p>21 about terms, I wasn't talking about names.</p> <p>22 A. Unified Communications, probably was</p> <p>23 used.</p> <p>24 Q. Probably?</p> <p>25 A. I believe it was.</p> <p style="text-align: right;">Page 56</p>
<p>1 Ramsay</p> <p>2 Q. Let me give you an example of what I'm</p> <p>3 driving at and see if it's any clearer. For</p> <p>4 example, here at Kelly Drye, if I receive a</p> <p>5 document or letter, correspondence, whatever it</p> <p>6 might be, I send that letter when I receive it, or</p> <p>7 a copy of it, to our records management department.</p> <p>8 I also keep a copy for myself so I have a work</p> <p>9 file. Do you know if Intermedia had a similar type</p> <p>10 of records management, where on either,</p> <p>11 contemporaneously, employees would send a document</p> <p>12 or file that they received or sent out to that</p> <p>13 central records management, and also perhaps retain</p> <p>14 their own work file?</p> <p>15 A. I'm not certain of that. What I</p> <p>16 understand, is that whatever that process is, it</p> <p>17 would have ended up with RIM after it closed, after</p> <p>18 Intermedia closed.</p> <p>19 Q. With respect to indices not of</p> <p>20 Intermedia, do you know how those indices were</p> <p>21 created?</p> <p>22 A. I'm not certain how those were created.</p> <p>23 Q. Did any of the individuals from RIM,</p> <p>24 including Mr. Hasselvander, Miss Taylor, Miss Tate,</p> <p>25 Mr. Beckman, or Mr. Mancini, ever indicate to you</p> <p style="text-align: right;">Page 55</p>	<p>1 Ramsay</p> <p>2 Q. Why do you believe it was?</p> <p>3 A. Well, one of the boxes produced is</p> <p>4 labelled Unified Communications. It was a key</p> <p>5 term. It was logically, one that we would have</p> <p>6 used, might have used, Webley in connection with</p> <p>7 master software licensing agreement. I'm not</p> <p>8 certain at all, but I think they may have looked</p> <p>9 for management reports, marketing, that sort of</p> <p>10 thing, but I don't recall the terms.</p> <p>11 Q. Do you have any notes of what terms they</p> <p>12 did use?</p> <p>13 A. I don't believe I do.</p> <p>14 Q. When you discussed with them, or</p> <p>15 communicated with them in connection with the terms</p> <p>16 to be used, did you send them anything in writing</p> <p>17 to include the terms to be used to search the</p> <p>18 indices?</p> <p>19 A. I simply don't recall.</p> <p>20 Q. You mentioned earlier that they used the</p> <p>21 term EffectNet to conduct the search, and there</p> <p>22 were no results from that search; is that accurate?</p> <p>23 A. I believe that's true, that's my best</p> <p>24 recollection.</p> <p>25 Q. Do you know how they input that search</p> <p style="text-align: right;">Page 57</p>



1 Ramsay  
2 **Records Management people earlier, yes. Losing my**  
3 **voice.**  
4 Q. What did you discuss with Records  
5 Management, in terms of that process that you  
6 described right now?  
7 A. **I asked them if there was anyone who**  
8 **could read the index and know what was going to be**  
9 **contained in the boxes from the index, to help us**  
10 **select or help anybody, Parus, anybody select boxes**  
11 **to be reviewed.**  
12 Q. Did they have a response to you?  
13 A. **They indicated there was none, didn't**  
14 **have anybody that can do that.**  
15 Q. When you say they didn't have anybody  
16 that can do that, meaning no one that could  
17 interpret, so to speak, the terms of the index and  
18 tell you based on that, what was in the actual  
19 boxes?  
20 A. **Yes.**  
21 Q. Aside from that conversation with  
22 Records Management, did you have any other  
23 discussions with anyone at WorldCom Intermedia  
24 about the process you undertook to identify certain  
25 boxes on the indices?

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1 Ramsay  
2 MR. DRISCOLL: You're talking about  
3 something that happened in June or July of  
4 '05, according to this witness's testimony.  
5 MR. SMITH: Okay.  
6 MR. DRISCOLL: Intermedia didn't  
7 function.  
8 Q. At any of the debtor's-- I'll rephrase  
9 my question to say that -- do you understand my  
10 question?  
11 A. **You probably have to rephrase it.**  
12 Q. Sure. Did you have any discussions with  
13 anyone at the debtors, aside from what you  
14 mentioned at Records Management, regarding the  
15 process you undertook to identify boxes on the  
16 indices?  
17 A. **Don't recall that I did. You can go**  
18 **ahead and ask questions if you want. I'm just sort**  
19 **of --**  
20 Q. Let me know if you want to take a break.  
21 I don't mind continuing if you're standing.  
22 A. **Go ahead.**  
23 MR. DRISCOLL: Kevin, why don't we take  
24 a break.  
25 (Time noted: 2:51 p.m.)

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1 Ramsay  
2 (Recess taken.)  
3 MR. SMITH: Can you mark this as Ramsay  
4 4.  
5 (Ramsay Exhibit 4, search report from  
6 Iron Mountain Records, received March 25,  
7 2005, marked for identification, as of this  
8 date.)  
9 Q. Mr. Ramsay, I'm going to put in front of  
10 you a multi-page document that we've marked for  
11 identification as Ramsay Exhibit No. 4, and on the  
12 first page it has at the top, Records center, Iron  
13 Mountain Records Center, and it looks like you  
14 stamped "received of March 25, 2005" what appears  
15 to be search result. It's a fairly lengthy  
16 document, and I don't have the page number in  
17 total, but do you recognize this set of documents?  
18 A. **Generally, yes.**  
19 Q. What you recognize it as?  
20 A. **One of the indexes that was provided by**  
21 **our clients.**  
22 Q. That you received?  
23 A. **That we received, yes.**  
24 Q. Do you know what the index purports to  
25 contain, in terms of types of documents -- strike

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1 Ramsay  
2 that.  
3 Let me try and rephrase the question,  
4 I'm sorry.  
5 Do you have an understanding as to how  
6 this index that we've marked as Ramsay Exhibit No.  
7 4 was created?  
8 A. **I can't tell you about this specific.**  
9 **It's one of a number that came as they did**  
10 **searches. Obviously they have highlighted the term**  
11 **Intermedia on this, but I'm not sure what searches,**  
12 **terms were used for this one.**  
13 Q. So this index Ramsay Exhibit No. 4 is an  
14 index, as I understand it, and correct me if I'm  
15 wrong, I'm trying to understand all of this. This  
16 index that was marked as Ramsay Exhibit No. 4 is an  
17 index created from computer data base, based on a  
18 search of the term Intermedia?  
19 A. **I really can't say- well if you read it**  
20 **at the top, all I can say it's records containing**  
21 **Intermedia. One of 10 of 338 records searched,**  
22 **records containing Intermedia, but I don't**  
23 **otherwise know what terms were used.**  
24 Q. Did you have any conversations with  
25 anyone at Records Management Group to determine how

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<p>1 Ramsay</p> <p>2 they came up with, or where this resulted from,</p> <p>3 this index, meaning Ramsay Exhibit No. 4?</p> <p>4 <b>A. Probably with, generally, I did, but I</b></p> <p>5 <b>don't know that I can -- I probably --</b></p> <p>6 Q. Do you have a recollection of doing</p> <p>7 that?</p> <p>8 <b>A. I don't have a current recollection.</b></p> <p>9 MR. DRISCOLL: I got lost.</p> <p>10 Could you read it back?</p> <p>11 (Record read.)</p> <p>12 Q. Do you have an understanding as to</p> <p>13 whether or not the documents -- strike that.</p> <p>14 Do you have an understanding as to</p> <p>15 whether or not the index that we marked as Ramsay</p> <p>16 Exhibit No. 4 is an index of all the documents</p> <p>17 maintained by Iron Mountain of debtor's documents?</p> <p>18 <b>A. I have an understanding that it's not.</b></p> <p>19 Q. That it's not?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. So this index is an index of documents</p> <p>22 that resulted from a search of the word, or records</p> <p>23 containing Intermedia; is that correct?</p> <p>24 <b>A. Well, again, as I said before, the face</b></p> <p>25 <b>of it says records containing Intermedia and that</b></p> <p style="text-align: right;">Page 110</p>	<p>1 Ramsay</p> <p>2 <b>major, and all descriptions.</b></p> <p>3 Q. Still, on the first page of Ramsay</p> <p>4 Exhibit No. 4, there's an entry that says 290 and</p> <p>5 then there's a space or something, 48. Do you know</p> <p>6 what that refers to?</p> <p>7 <b>A. I don't.</b></p> <p>8 Q. And then moving across on the same line,</p> <p>9 it says status; do you know what this is referring</p> <p>10 to.</p> <p>11 <b>A. I don't.</b></p> <p>12 Q. And then dropping down, there's an entry</p> <p>13 of a long number, it's 273788675; do you know what</p> <p>14 that refers to?</p> <p>15 <b>A. That's the box number. That's a number</b></p> <p>16 <b>they put on the boxes.</b></p> <p>17 Q. And then across from there to the right,</p> <p>18 there's an entry that says at Iron Mountain?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Do you have an understanding of what</p> <p>21 that means?</p> <p>22 <b>A. My understanding is that they're stored</b></p> <p>23 <b>at Iron Mountain.</b></p> <p>24 Q. And then below the lengthy number that</p> <p>25 we read a second ago, there's an entry that says</p> <p style="text-align: right;">Page 112</p>
<p>1 Ramsay</p> <p>2 <b>term is highlighted in the descriptions of each of</b></p> <p>3 <b>these boxes, but I don't have a present</b></p> <p>4 <b>recollection of a conversation about that.</b></p> <p>5 Q. I see. Okay.</p> <p>6 On the first page of Ramsay Exhibit No.</p> <p>7 4 towards the middle of the page, there's an entry</p> <p>8 that says one of 10 of 338 records searched.</p> <p>9 <b>A. I see that, yes.</b></p> <p>10 Q. Do you know what this refers to, what</p> <p>11 that means?</p> <p>12 <b>A. I'm not certain.</b></p> <p>13 Q. And the next line says "with customer</p> <p>14 equals M" as in Mary "WLDK."</p> <p>15 <b>A. I see that, yes.</b></p> <p>16 Q. Do you have an understanding as to what</p> <p>17 that line is referring to, and then what the</p> <p>18 customer is referring to?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you have an understanding as to what</p> <p>21 the next line refers to as "records containing</p> <p>22 Intermedia"?</p> <p>23 <b>A. Only what appears on its face, that it</b></p> <p>24 <b>is a search to identify records containing the term</b></p> <p>25 <b>Intermedia. The term Intermedia is highlighted in</b></p> <p style="text-align: right;">Page 111</p>	<p>1 Ramsay</p> <p>2 customer MWLDK. I think you indicated, you didn't</p> <p>3 have an understanding?</p> <p>4 <b>A. I don't.</b></p> <p>5 Q. And then the next line is box department</p> <p>6 59823. Do you have an understanding of what that</p> <p>7 means?</p> <p>8 <b>A. I don't.</b></p> <p>9 Q. There's an entry for box record code</p> <p>10 with the entry of RS45. Do you have an</p> <p>11 understanding of what that means?</p> <p>12 <b>A. I don't currently. No, I should say</b></p> <p>13 <b>that I discussed some of those things, and I don't</b></p> <p>14 <b>remember which, with Phil Hasselvander and others,</b></p> <p>15 <b>Joe Stevens, but they did not appear to provide</b></p> <p>16 <b>anything significant to me in finding documents,</b></p> <p>17 <b>and I don't remember which one it is, but I did go</b></p> <p>18 <b>through some of those. I just don't remember now</b></p> <p>19 <b>what they were.</b></p> <p>20 Q. And then there's another entry major</p> <p>21 description next to it, it says WorldCom A slash P,</p> <p>22 storage forms for.</p> <p>23 Do you have an understanding as to what</p> <p>24 the major description refers to?</p> <p>25 <b>A. It's a description they had of contents</b></p> <p style="text-align: right;">Page 113</p>

<p>1                   <b>Ramsay</b></p> <p>2 <b>of the box.</b></p> <p>3     Q.   Okay.</p> <p>4           When you say "they had", meaning?</p> <p>5     <b>A.   Records Management at MCI, part of their</b></p> <p>6 <b>computer system.</b></p> <p>7     Q.   And then there's an entry for minor</p> <p>8 description, with next to it, it says Jackson /</p> <p>9 Clinton MS office.</p> <p>10    <b>A.   Right. Sometimes it's additional</b></p> <p>11 <b>information about the contents, sometimes it's a</b></p> <p>12 <b>location, sometimes it's a topic.</b></p> <p>13    Q.   And then below that, there's an entry</p> <p>14 for long description?</p> <p>15    <b>A.   Same thing.</b></p> <p>16    Q.   I'm not going to read that, but do you</p> <p>17 have an understanding as to what long description</p> <p>18 is referred to there?</p> <p>19    <b>A.   It's my understanding, it's information</b></p> <p>20 <b>that he had about what's in the box.</b></p> <p>21    Q.   Okay.</p> <p>22           With respect to any of the major</p> <p>23 description, minor descriptions, or long</p> <p>24 descriptions that are contained, not just in this</p> <p>25 particular entry in Ramsay Exhibit No. 4, but all</p> <p style="text-align: right;">Page 114</p>	<p>1                   <b>Ramsay</b></p> <p>2     Q.   Do you know where else the documents</p> <p>3 that are contained in Ramsay Exhibit No. 4 came</p> <p>4 from, if not Intermedia?</p> <p>5     <b>A.   Well, they could have come from MCI</b></p> <p>6 <b>entity of some kind, and relate to Intermedia in</b></p> <p>7 <b>some way.</b></p> <p>8     Q.   Are all of the boxes that are contained</p> <p>9 in Ramsay Exhibit No. 4, boxes that were reviewed</p> <p>10 by Stinson to determine whether they contain</p> <p>11 responsive documents?</p> <p>12    <b>A.   No.</b></p> <p>13    Q.   Does Ramsay Exhibit No. 4 contain</p> <p>14 reference to any documents that were reviewed by</p> <p>15 Stinson for possible production in this proceeding?</p> <p>16    <b>A.   Yes.</b></p> <p>17    Q.   Can you tell me which ones those are?</p> <p>18    <b>A.   I believe we provided to you the list</b></p> <p>19 <b>that was highlighted.</b></p> <p>20    Q.   I'm sorry, say that again?</p> <p>21    <b>A.   I believe on the list we provided you, I</b></p> <p>22 <b>believe they're highlighted.</b></p> <p>23    Q.   They're highlighted on this Ramsay</p> <p>24 Exhibit No. 4?</p> <p>25    <b>A.   Correct.</b></p> <p style="text-align: right;">Page 116</p>
<p>1                   <b>Ramsay</b></p> <p>2 of the entries in Ramsay Exhibit 4, did you contact</p> <p>3 anyone at Records Management to determine what</p> <p>4 different entries meant?</p> <p>5     <b>A.   Well, I talked to them to some extent,</b></p> <p>6 <b>as I mentioned, and tried to find somebody who</b></p> <p>7 <b>maybe could interpret the descriptions, and was</b></p> <p>8 <b>told there really wasn't anybody who could</b></p> <p>9 <b>interpret those description any better than we</b></p> <p>10 <b>could, from looking at them. They didn't know</b></p> <p>11 <b>about what was in these boxes.</b></p> <p>12    Q.   Did they indicate how Records Management</p> <p>13 arrived at the descriptions that are contained in</p> <p>14 the major, minor, and long description categories?</p> <p>15    <b>A.   Only it was my understanding that at</b></p> <p>16 <b>least in part, the information came from what was</b></p> <p>17 <b>left by employees as they were leaving the company.</b></p> <p>18 <b>Other than that, I'm not- I don't.</b></p> <p>19    Q.   So is it your understanding, that the</p> <p>20 documents that are referenced in Ramsay Exhibit No.</p> <p>21 4, are documents from Intermedia?</p> <p>22    <b>A.   Not necessarily, because, I mean, there</b></p> <p>23 <b>are documents that relate to Intermedia, some of</b></p> <p>24 <b>them may be from Intermedia, some of them may not</b></p> <p>25 <b>be.</b></p> <p style="text-align: right;">Page 115</p>	<p>1                   <b>Ramsay</b></p> <p>2     Q.   So if you turn to page, for example,</p> <p>3 page five of the Exhibit, it's not a numbered five,</p> <p>4 but just turn to the fifth page of the Exhibit.</p> <p>5     <b>A.   Correct.</b></p> <p>6     Q.   In the middle of the page there's an</p> <p>7 entry with the number, it looks like 307327251.</p> <p>8     <b>A.   Correct.</b></p> <p>9     Q.   On the copy it looks as though it's a</p> <p>10 grayed line, shaded so to speak. Is that the</p> <p>11 highlighting you're referring to as to those</p> <p>12 documents that were identified to be reviewed for</p> <p>13 possible production?</p> <p>14    <b>A.   Yes.</b></p> <p>15    Q.   With respect to that particular entry,</p> <p>16 how did you determine to review that entry for</p> <p>17 possible production in this proceeding?</p> <p>18           <b>MR. DRISCOLL:</b> Maybe it's clear on the</p> <p>19 record, but I'm not clear. Which one are you</p> <p>20 referring to?</p> <p>21           <b>MR. SMITH:</b> It's on page five of the</p> <p>22 Exhibit not numbered five, but the fifth page</p> <p>23 of the Exhibit with the number 307327251.</p> <p>24           <b>MR. DRISCOLL:</b> Got it, thank you.</p> <p>25    <b>A.   You know, I believe, and I'm not hundred</b></p> <p style="text-align: right;">Page 117</p>

<p>1 Ramsay</p> <p>2 review?</p> <p>3 A. That's correct.</p> <p>4 Q. Do you have an understanding as to what</p> <p>5 is mentioned in the major, minor, and long</p> <p>6 descriptions here?</p> <p>7 A. "TCOMS Exemption, clean up reports a</p> <p>8 location, Intermedia, source reports for initial</p> <p>9 cleanup: Mega standalone response file."</p> <p>10 Q. Other than what's described there, you</p> <p>11 don't have any understanding of what you believe</p> <p>12 that means?</p> <p>13 A. I believe source is a reference to one</p> <p>14 of their billing systems, at some point in time.</p> <p>15 Q. One of their billing systems, is that</p> <p>16 what you said?</p> <p>17 A. Correct, Intermedia's.</p> <p>18 Q. Do you know what is referred to as</p> <p>19 cleanup reports?</p> <p>20 A. I do not.</p> <p>21 Q. Did you contact anyone at either Records</p> <p>22 Management, or anyone else at WorldCom to determine</p> <p>23 what any of the terms within that description</p> <p>24 meant?</p> <p>25 A. Not this specific description.</p> <p>Page 122</p>	<p>1 Ramsay</p> <p>2 Q. That indicates from the highlight, based</p> <p>3 on my understanding of your testimony earlier, that</p> <p>4 - that box that's referenced here was requested and</p> <p>5 reviewed by Stinson; is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. There appears to be a check mark to the</p> <p>8 right-hand side of the descriptions there, do you</p> <p>9 see where I'm referring?</p> <p>10 A. I do.</p> <p>11 Q. Do you have an understanding of what the</p> <p>12 check mark refers to?</p> <p>13 A. No.</p> <p>14 Q. Do you know who placed the check mark</p> <p>15 there?</p> <p>16 A. No.</p> <p>17 Q. Do you know if it was anyone from</p> <p>18 Stinson that may have placed the check mark there?</p> <p>19 A. I don't know.</p> <p>20 Q. Aside from just that entry there, are</p> <p>21 other check marks on the page that we were looking</p> <p>22 at, as well as other pages, do you have an</p> <p>23 understanding of the check marks otherwise within</p> <p>24 the document?</p> <p>25 A. No.</p> <p>Page 124</p>
<p>1 Ramsay</p> <p>2 Q. After having received index that we</p> <p>3 marked for identification as Ramsay Exhibit No. 4,</p> <p>4 did you contact anyone to determine what any of the</p> <p>5 descriptions meant within the index?</p> <p>6 MR. DRISCOLL: Object to the question.</p> <p>7 Asked and answered. He already said he spoke</p> <p>8 to Mr. Hasselvander and others.</p> <p>9 A. I talked to Joe Stevens and/or</p> <p>10 Hasselvander about descriptions and what they might</p> <p>11 mean. I was told they didn't know either.</p> <p>12 Q. My apologies. If you go to the 33 page</p> <p>13 of the Exhibit.</p> <p>14 MR. DRISCOLL: What's the caption? 204</p> <p>15 is on top and.</p> <p>16 MR. SMITH: The number would be a</p> <p>17 highlighted number, 273701050.</p> <p>18 MR. DRISCOLL: All right. 270.</p> <p>19 MR. SMITH: It may be Page 32.</p> <p>20 A. What's the number?</p> <p>21 Q. 273701050. And it also has a check mark</p> <p>22 next to it?</p> <p>23 A. I found it, yes.</p> <p>24 MR. DRISCOLL: Good. I'm going to look</p> <p>25 over your shoulder.</p> <p>Page 123</p>	<p>1 Ramsay</p> <p>2 Q. Do you know who else reviewed the index</p> <p>3 that we marked as Ramsay Exhibit No. 4 at Stinson?</p> <p>4 A. As I testified, Jeff Befort.</p> <p>5 Q. Aside from him, did anyone else that</p> <p>6 you're aware of?</p> <p>7 A. I'm sure Diaz, the legal assistant would</p> <p>8 have. Not reviewed to select boxes, but probably</p> <p>9 looked through the index.</p> <p>10 MR. DRISCOLL: Clarification counsel.</p> <p>11 Does anyone else include Mr. Ramsay or not?</p> <p>12 MR. SMITH: I don't understand what you</p> <p>13 mean.</p> <p>14 MR. DRISCOLL: Well --</p> <p>15 MR. SMITH: My question was, did anyone</p> <p>16 else other than Mr. Ramsay review the Exhibit</p> <p>17 that we marked as Exhibit No. 4?</p> <p>18 MR. DRISCOLL: And he said Befort.</p> <p>19 MR. SMITH: I'm sorry, I thought it was</p> <p>20 clear that Mr. Ramsay had reviewed.</p> <p>21 A. I'm not certain that I, on this</p> <p>22 particular index -- I reviewed this index --</p> <p>23 whether I selected the boxes. Maybe all Befort</p> <p>24 did. I just don't recall. There's over ten</p> <p>25 thousand of them.</p> <p>Page 125</p>



<p>1 Ramsay</p> <p>2 <b>A. It didn't appear to have anything to be</b></p> <p>3 <b>linked to the issues in this case.</b></p> <p>4 Q. If you look on the first line of that</p> <p>5 entry, it says engagement letter for sale of</p> <p>6 Intermedia, attorneys notes and correspondence. Is</p> <p>7 there any way to tell from this file why, or is</p> <p>8 there any way to tell from this entry as to what</p> <p>9 attorneys notes and correspondence might contain?</p> <p>10 <b>A. I can't tell from that entry. This is</b></p> <p>11 <b>among the reasons we asked for -- Parus on</b></p> <p>12 <b>selection of boxes. Can I take a quick break.</b></p> <p>13 <b>(Recess taken.)</b></p> <p>14 MR. SMITH: Can you mark this as Exhibit</p> <p>15 Ramsay No. 7?</p> <p>16 (Ramsay Exhibit 7, document stating DEPT</p> <p>17 record CUST box, WorldCom Unified Messaging,</p> <p>18 marked for identification, as of this date.)</p> <p>19 Q. Mr. Ramsay, you should have in front of</p> <p>20 you, what we marked as Ramsay Exhibit No. 7. It's</p> <p>21 a legal sized paper, it appears to be a</p> <p>22 spreadsheet, and it has at the top left corner of</p> <p>23 it DEPT record CUST box and various different</p> <p>24 columns for entries, and just for purposes of</p> <p>25 identifying the document aside from the Exhibit No.</p> <p style="text-align: right;">Page 138</p>	<p>1 Ramsay</p> <p>2 Q. Okay. The ten thousand boxes or so we</p> <p>3 discussed earlier, or something else?</p> <p>4 <b>A. No -- I'm sure -- ten thousand is what</b></p> <p>5 <b>the results -- the data base would be much larger</b></p> <p>6 <b>than that.</b></p> <p>7 Q. Maybe I'm misunderstanding something.</p> <p>8 What is the universe of documents or boxes of</p> <p>9 documents, that were searched within the data base</p> <p>10 on the computerized data base at WorldCom?</p> <p>11 <b>A. I believe it to be all of MCI and their</b></p> <p>12 <b>related entities stored documents.</b></p> <p>13 Q. How many boxes of documents?</p> <p>14 <b>A. I have no idea.</b></p> <p>15 MR. DRISCOLL: In that data base?</p> <p>16 MR. SMITH: Correct.</p> <p>17 <b>A. I don't know.</b></p> <p>18 Q. So there's more than ten thousand boxes?</p> <p>19 <b>A. Oh, I'm- yes.</b></p> <p>20 Q. The ten thousand boxes of documents that</p> <p>21 have been referred to in responses and letters</p> <p>22 regarding discovery in this case, are referring to</p> <p>23 what?</p> <p>24 <b>A. They are the boxes of documents on the</b></p> <p>25 <b>indexes we provided, and they are the boxes</b></p> <p style="text-align: right;">Page 140</p>
<p>1 Ramsay</p> <p>2 Within the major description, it has WorldCom</p> <p>3 Unified Messaging. Have you had a chance to take a</p> <p>4 look at document?</p> <p>5 <b>A. I have.</b></p> <p>6 Q. What do you recognize it to be?</p> <p>7 <b>A. One of the indexes provided to us by the</b></p> <p>8 <b>Records Management Group at MCI as a result of the</b></p> <p>9 <b>search that was done.</b></p> <p>10 Q. Do you know what they were searching to</p> <p>11 arrive at the index that we marked as Ramsay</p> <p>12 Exhibit No. 7?</p> <p>13 <b>A. Well as you mentioned, and at the top</b></p> <p>14 <b>entry it's Unified Messaging project plans. I</b></p> <p>15 <b>don't really know what produced that, but I can</b></p> <p>16 <b>guess, I'd have to be guessing, a guess that it was</b></p> <p>17 <b>Unified Messaging who produced it, but the names</b></p> <p>18 <b>below that are names that I believe, they were</b></p> <p>19 <b>provided among the names that were provided to</b></p> <p>20 <b>search.</b></p> <p>21 Q. I guess my question is, what was the</p> <p>22 data base they were searching to come up with this</p> <p>23 index?</p> <p>24 <b>A. Okay. Their stored documents data base</b></p> <p>25 <b>of all their stored documents.</b></p> <p style="text-align: right;">Page 139</p>	<p>1 Ramsay</p> <p>2 <b>produced or the results of the searches produced by</b></p> <p>3 <b>a list, or lists that included over ten thousand</b></p> <p>4 <b>boxes.</b></p> <p>5 Q. Okay, thank you.</p> <p>6 And the index that we've marked as</p> <p>7 Ramsay Exhibit No. 7, is an index of some boxes</p> <p>8 that include or encompass that ten thousand boxes,</p> <p>9 or make up part of that ten thousand boxes correct?</p> <p>10 <b>A. The boxes identified on Exhibit 7 are</b></p> <p>11 <b>part of the boxes, part of the ten thousand boxes,</b></p> <p>12 <b>yes.</b></p> <p>13 Q. Do you have an understanding as to what</p> <p>14 each of the different, I guess, column codes stand</p> <p>15 for at the top of the page?</p> <p>16 <b>A. As I sit here now, I don't. I do recall</b></p> <p>17 <b>going over some of this information with, if not</b></p> <p>18 <b>all, with people at Records Management, but it was</b></p> <p>19 <b>not helpful to me in the search.</b></p> <p>20 Q. Was it your understanding that within</p> <p>21 the first entry there, that next in the row that</p> <p>22 starts with CP661 --</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. -- that the date of the documents that</p> <p>25 were contained in that box, were from January 1,</p> <p style="text-align: right;">Page 141</p>

<p>1 <b>Ramsay</b></p> <p>2 Q. There are on some of the pages</p> <p>3 highlighted, or what look to be shaded since</p> <p>4 they're not colored on here, entries is it correct,</p> <p>5 that those shaded entries are ones that you</p> <p>6 selected for review?</p> <p>7 A. No.</p> <p>8 Q. Can you tell me what those shaded</p> <p>9 entries mean?</p> <p>10 A. No, I can't. I don't know, I don't</p> <p>11 recall.</p> <p>12 Q. Do you know if any of the boxes that are</p> <p>13 contained within Ramsay Exhibit No. 10 were</p> <p>14 selected for review?</p> <p>15 A. I'm hesitating because this may be a</p> <p>16 duplicate of another index that was printed in</p> <p>17 another format, and I'm not certain.</p> <p>18 MR. SMITH: Can you mark this as 11?</p> <p>19 (Ramsay Exhibit 11, duplicate printout</p> <p>20 in landscape format, marked for</p> <p>21 identification, as of this date.)</p> <p>22 Q. You should have in front of you what we</p> <p>23 marked as Ramsay Exhibit No. 11. You can take a</p> <p>24 look at that document as well. Do you recognize</p> <p>25 Ramsay Exhibit No. 11?</p> <p style="text-align: right;">Page 178</p>	<p>1 <b>Ramsay</b></p> <p>2 Q. June 2000 Intermedia, do you know what</p> <p>3 that refers to?</p> <p>4 A. I don't for certain, no.</p> <p>5 Q. Going up on that page under, I guess,</p> <p>6 it's box 50.</p> <p>7 A. Yes.</p> <p>8 Q. It's a description management book</p> <p>9 analysis balance sheet REC's, February to September</p> <p>10 2001. It carries over to the following line. It</p> <p>11 says STFI revenue elimination January to September</p> <p>12 2001.</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what those entries refer to?</p> <p>15 A. I do not for certain, no.</p> <p>16 Q. Dropping down below to box number 65 it</p> <p>17 looks like, it says a description it says JE Jan</p> <p>18 '01 - Sept '01.</p> <p>19 A. I see that.</p> <p>20 Q. Do you know what that refers to?</p> <p>21 A. I don't.</p> <p>22 Q. Do you know what JE stands for?</p> <p>23 A. It sometimes refers to journal entry,</p> <p>24 but I don't know what it is in this case.</p> <p>25 Q. Do you know if it could be a person's</p> <p style="text-align: right;">Page 180</p>
<p>1 <b>Ramsay</b></p> <p>2 A. I believe it's a duplicate, simply</p> <p>3 printed out, landscape, yes.</p> <p>4 Q. Is that what you are referring to --</p> <p>5 A. Seeing it now, yes, I believe it is.</p> <p>6 Q. From the other format which seems to be</p> <p>7 in Ramsay No. 11, are you able to tell whether or</p> <p>8 not any documents or boxes were selected for review</p> <p>9 from this set?</p> <p>10 A. I do not believe they were. If they</p> <p>11 were, we would have advised you of it.</p> <p>12 Q. So the shading, or highlighting doesn't</p> <p>13 indicate that those boxes were selected?</p> <p>14 A. No, I don't believe so. It's shading</p> <p>15 done -- something other than by hand apparently.</p> <p>16 Q. Either you or someone else at Stinson</p> <p>17 had, in order to make that determination to select</p> <p>18 boxes for review, looked at the description of the</p> <p>19 materials that are contained in Exhibit 11?</p> <p>20 A. I believe we did, yes.</p> <p>21 Q. If you go to the fourth page of Exhibit</p> <p>22 11, and it will be box number 62. It says</p> <p>23 Intermedia, and then under the description it</p> <p>24 appears to say JE logbooks.</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 179</p>	<p>1 <b>Ramsay</b></p> <p>2 initials, or something like that?</p> <p>3 A. It's possible.</p> <p>4 Q. Box number 68, if you look under the</p> <p>5 description for that it says GLIFC 2000, GLDGX</p> <p>6 2000, GLD Roman numeral two or two I's, 2000,</p> <p>7 GLINT8 / 2000. Do you know what that refers to?</p> <p>8 A. I don't for certain, no.</p> <p>9 Q. On the following page box 71.</p> <p>10 A. Devnet concession fees.</p> <p>11 Q. Right. There's a number of different</p> <p>12 entries, then there's an entry for shared revenue</p> <p>13 2001, and then below that within the same box it</p> <p>14 appears ICIMGNT book 7 / '01. Do you know what any</p> <p>15 of those entries mean?</p> <p>16 A. Other than what's said there, I don't</p> <p>17 know.</p> <p>18 Q. With respect to any of the entries and</p> <p>19 the descriptions, aside from what just may be</p> <p>20 within the words that are there, do you have any</p> <p>21 idea of what they refer to?</p> <p>22 A. I know they do not appear to me to have</p> <p>23 a significant likelihood of anything in response to</p> <p>24 -- that's my view of it.</p> <p>25 Q. Just so I'm clear, Ramsay Exhibit No.</p> <p style="text-align: right;">Page 181</p>

**CONFIDENTIAL**



**Records and Information Management**

# **RECORDS MANAGEMENT PROGRAM**

## **POLICIES AND PROCEDURES**

by Lisa Hayward

July 1, 1998

Edited : July 2001

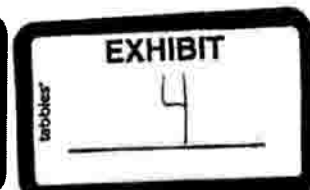
by Victoria S. Lucas

Edited : April 2004

by Chris Moses/James Green

Exhibit Q

**CONFIDENTIAL**



MCIWC031794

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## INTRODUCTION

The objective of MCI's records retention program is to ensure legal compliance; audit protection; access to valuable information; cost savings; and, maintain an orderly and efficient records life-cycle management. MCI's records retention program covers all media forms and has been approved by the Law & Public Policy Department (LPP) and the Tax Department.

A records retention program is considered one element of an organization's larger preventive law strategy, designed to insulate the organization from potential legal or financial problems and risks. Also, the program is designed to ensure that, in the event that legal or financial problems do occur, the organization will have, in a readily retrievable form, the information it needs to defend itself.

The backbone of the Records Management Program is the Record Retention Schedule (RRS). The RRS specifies the length of time that business records must be retained. The retention program is based upon the concept that information has a life cycle and the value of most information tends to decline as time passes. This program provides for the disposal of obsolete information in order to control the volume of records. The record retention schedule constitutes the official policy for information retention and disposal. Without it, records may be unnecessarily maintained for excessive periods of time or hastily disposed of without regard for their value.

A records retention program provides for the identification of records that must be retained for business purposes, and the systematic destruction of records that no longer serve any useful business purpose. Under this program the process of records retention and disposal is designed to occur regularly, in the normal course of business, rather than on an arbitrary or selective basis.